

THE TREATMENT OF POLITICAL PRISONERS IN SOUTH VIETNAM BY THE GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM

**HEARING
BEFORE THE
SUBCOMMITTEE ON
ASIAN AND PACIFIC AFFAIRS
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
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THE TREATMENT OF POLITICAL PRISONERS IN SOUTH VIETNAM BY THE GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM

THURSDAY, SEPTEMBER 13, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS,
Washington, D.C.

The subcommittee met at 2 p.m. in room 2255, Rayburn House Office Building, Hon. Robert N. C. Nix (chairman of the subcommittee) presiding.

Mr. Nix. The subcommittee will be in order.

There is much interest in this country on the part of American citizens as to the fate of political prisoners confined within the penal system of the Republic of South Vietnam.

Whether this number of prisoners reaches a figure of 200,000, 100,000, or much less, the essential question is the same. When will these prisoners be released? A second question is directed to the treatment of such prisoners while in confinement.

This is a matter of concern to Americans because we have invested over 50,000 lives in the freedom of South Vietnam and at least \$50 billion. Anything which makes that investment and that suffering less worthwhile is a concern to Americans.

In addition, if the Republic of South Vietnam must rely to an even greater extent on repression to survive, it lessens its long-term chances for life.

We of course can do nothing for political prisoners behind the Iron Curtain of Europe or the Bamboo Curtain of Asia. It is only realistic to direct our attention where our influence can be felt.

Today we have witnesses who are well informed as to the situation in South Vietnam.

If today's hearing results in the freedom of one falsely imprisoned citizen of South Vietnam, if our hearings result in one step taken toward democracy in South Vietnam, it will have been worthwhile.

Our first witness at this hearing will be the distinguished gentlewoman from the city of New York, Ms. Bella Abzug.

I want to call you first, Congresswoman, because I know the bells might ring at any time. You may proceed.

STATEMENT OF HON. BELLA S. ABZUG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. ABZUG. Thank you, Mr. Chairman.

Mr. Chairman, I want to compliment you for holding this hearing and for your opening remarks with which I agree. I want to thank you

for allowing me to testify on this very important issue of political prisoners in South Vietnam.

I agree with you that we have a very special obligation to examine what is perhaps one of the least understood but most important issues of our time in Indochina.

My recent trip to Saigon strengthened my conviction that:

1. South Vietnamese political prisoners represent one of the most compelling human tragedies of our time—a spectacle of mass roundups, torture and mistreatment of tens of thousands of men and women and children which must be ended.

2. U.S. aid to South Vietnam has been outrageously misrepresented as humanitarian aid to rebuild South Vietnam. In fact, most of it is military and police aid which is enabling the Thieu government to avoid observing the Paris agreement. Its refusal to release its political prisoners, as called for in the Paris agreement, is the most dramatic illustration of this misuse of American aid.

3. The ongoing conflict in South Vietnam can only come to a peaceful resolution through political means. This means, above all, that the Thieu government free its present political prisoners, stop arresting new ones, and allow its people their basic freedoms. By meeting present administration aid requests without qualification, Congress is unwittingly insuring more war in Indochina, and indefinite expenditure of billions, and perhaps future pressure to renew American bombing.

These convictions are based on conversations with American officials, Vietnamese leaders, and informed foreign observers, as well as documents I obtained in Saigon this last August. I will submit these documents for the record. What I would like to report this afternoon are but some of the major findings on political prisoners which have emerged from my recent trip to Saigon and subsequent investigations.

1. THERE HAVE BEEN NEW ARRESTS OF POLITICAL PRISONERS SINCE THE CEASE-FIRE

The most shocking aspect of the political prisoner situation today is the continued arrests of people since the cease-fire. The Paris agreement provides for the release of political prisoners and political freedom for all Vietnamese. The idea that those arrested before the cease-fire would not only remain in jail, but that new political arrests would take place, is outrageous.

Concrete evidence of this is in one of the most startling documents I received in Saigon, an official telegram from the national Phoenix headquarters to police agents throughout the country. It is dated April 5, 1973, and forms appendix A to my testimony. Although published in *Le Monde* of May 17, 1973, it has not been brought to the attention of the American people and Congress.

The Phoenix program, as you know, was an American-initiated policy which ordered mass arrests and assassinations of civilians deemed to be working for the NLF. This program was responsible for large-scale roundups among the peasant population. Many of the political prisoners arrested before the cease-fire were taken under Phoenix. William Colby, former director of the Phoenix program, testified before the Government Operations Committee in July, 1971, that from

1968 until May 1971, there had been 28,978 arrests and 20,587 assassinations. An official 1971 Saigon publication entitled "Vietnam: Toward Peace and Prosperity" states on page 52 that 40,994 assassinations and 19,257 convictions had taken place during the same period.

Now incredibly, we find that this official telegram issued since the cease-fire orders that Phoenix operations continue. It directs local police to continue arrests, classify suspects as common-law criminals, and maintain "efforts to neutralize persons who disturb the peace." "Neutralize," as we know from past information and present documentation, is often a euphemism for assassination.

While in Saigon I saw lists of names of students and labor leaders arrested since the cease-fire. No independent observer I met denied that this was but the tip of the iceberg as mass arrests of thousands of unknown peasants out in the countryside continued.

2. REFUSAL TO RELEASE THOSE ARRESTED BEFORE THE CEASE-FIRE

Tens of thousands—perhaps as many as 200,000—political prisoners have not been released who were in prison at the time of the cease-fire. This is in direct violation of the Paris agreement. Article 8c calls for the release of all civilian detainees working for either side. Article 11 guarantees freedom of political belief and action for all Vietnamese.

The Thieu government has chosen to claim that it does not hold any political prisoners. It divides all its prisoners into 5,081 "Communist criminals" to be released, and some 30,000–35,000 "common-law criminals" it will not free.

Fifteen hundred people, labeled "Communist criminals" by the Thieu government, have already been released since the cease-fire. This means that the Thieu government intends to release only 3,500 more of the prisoners it now holds.

This 3,500 figure is a tiny percentage of the actual number of political prisoners now held by the Thieu government. The distinguished Deputy Ho Ngoc Nhouan and Father Chan Tin, who is a Catholic priest, both of whom I talked with in Saigon, estimate that there are 200,000 political prisoners. In a news release dated July 1, 1973, the respected Amnesty International in London estimates at least 100,000. The lowest estimate by independent observers that I have seen anywhere is 40,000 to 60,000 in a Newsweek article of July 23, 1973.

The fact that the Thieu government openly says it will release only 3,500 civilian detainees is shocking proof that it does not intend to honor the Paris agreement.

I would draw your attention to appendix B, a letter from Danang prison signed by 120 political prisoners, annexed to the testimony, at some risk to themselves. It is an eloquent and moving appeal from some of the tens of thousands of political prisoners whom the Thieu government refuses to release.

If you read this letter and petition, I think you will get a very good idea as to the ways in which prisoners being held by General Thieu are being treated—the violence, the failure to recognize any of the standards of prison treatment that they claim to recognize, the failure to provide food and water appropriately, the filth, the punishments and the deprivation of people young and old, the description of prisoners

who died while in this kind of detention, the description of the kind of arrests demonstrated by stories of the prisoners brought to jail, including a Mrs. Truong Thi Ban, prisoner No. 10143, was brought to jail with her baby. She was considered a thief. She was arrested because she was involved in the case of Mr. Nguyen Thanh Nam and Mr. Nam Dua at Trung Hoa, Thac Gian, in Danang in October 1972. Her fortune was confiscated by the government, and she was told that it had belonged to the VC. She came to jail with nothing but her 1-year-old infant and 27 taels of gold. In June 1973 she was sent to the court, charged with "common prisoner." She was sentenced to 1 year in jail and had all her gold except for two taels taken away.

There are many other stories like that.

3. MANY POLITICAL PRISONERS NOT MEMBERS OF THE PRG

The division of prisoners into "Communist criminals" working for the PRG and "common-law criminals" is inaccurate and misleading. In fact, most of Saigon's political prisoners are either nonpolitical workers and peasants swept up in indiscriminate raids, or non-Communist opponents of the Thieu government. The latter are elements of a potential "Third Force." Jailed for advocating peace and freedom, they are neither for Thieu nor the PRG.

President Thieu has openly stood for more war. He has suppressed freedom of speech, freedom of elections, and freedom of the press. Many people who have nothing to do with the PRG have been jailed for opposing these policies in the last several years. Now, the Thieu government is attempting to avoid releasing them to their families by two methods:

(1) Reclassifying political prisoners as "common-law" criminals so as to claim they are not covered by the Paris agreement.

(2) Trying to force them to be turned over to the PRG in PRG-controlled zones. Madame Ngo Ba Thanh, a distinguished lawyer whose career I have long followed, is an outstanding example of this. Mrs. Thanh is a leader in Vietnam of the women's peace movement and an outspoken advocate of civil rights. Her academic achievements are internationally acclaimed: she holds advanced degrees in international law from Columbia University and the Universities of Paris and Barcelona, and has written on legal questions in four languages. For several years she was a lecturer on law at Saigon University.

In September 1971, she was arrested while taking part in a demonstration against Thieu's one-man election campaign. After 7 months in jail, Mrs. Thanh, who suffers from asthma, was brought out of her cell on a stretcher, and taken before a military field court, though charges had not been filed against her. Warned by a doctor that she "could die at any moment," the judges called off the trial but rejected her plea to be taken to a hospital. In jail once more, she was reclassified from "national security" status to "common criminal" status, making her ineligible for release under the exchange of political prisoners specified by the Paris Peace Agreement. This is a technique used by Thieu in tens of thousands of cases.

Last spring, Dean Michael I. Sovern, the dean of the law school which I attended, and which happens to be in my district, Columbia

University Law School, invited Mrs. Thanh to join its faculty as a visiting scholar.

I am very much concerned with Mrs. Thanh, and this invitation came after much petitioning by many people throughout the academic community. The U.S. Embassy stated at the time that it was prepared to grant her a visa, but she was not released. Meanwhile, Mrs. Thanh went on a hunger strike and was finally hospitalized.

In May 1973, the Saigon Government classified her as a "Communist criminal" who would be turned over to the PRG. Mrs. Thanh rejects this status and demands to be released to her home in Saigon. Again, this technique is being widely used: many non-Communist dissenters are refusing to accept such reclassification. They feel that their presence in Saigon constitutes a necessary Third Force between the PRG and the Thieu regime. It is precisely for this reason that Thieu will not release them.

When I had the opportunity to visit Saigon last month, I met with Mrs. Thanh's family in a lengthy private meeting. They fear for her health. I then met with Ambassador Graham Martin, and expressed my concern for Mrs. Thanh. He encouraged me to believe that she would soon be freed. In a subsequent conversation, however, Ambassador Martin told me that Mrs. Thanh would be part of a general amnesty, if and when one occurs, but that is not a satisfactory answer. It strains my credulity that the United States is unable to secure the release of one woman, as a sign of what we regard to be the nature of our relationship in Vietnam.

When I returned, I advised the various members of the academic community who were interested in Mrs. Thanh, of the Ambassador's optimism, and I suggested that an additional encouragement would be useful. A letter was written again to Mrs. Thanh and to Ambassador Martin from Dean Sovorn offering to renew their invitation to her to become a visiting scholar for 4 years, not only at Columbia but also at Harvard and Radcliffe. The academic community, the peace movement, and women throughout the world are waiting for her release and for some sign of compliance with the Paris agreement.

At the time I was in Saigon, an election was taking place. I thought in reading the peace agreement, that there would be an election which would determine under conditions of reconciliation the direction in which this Government was to go, based upon the will and the free expression of the people in Vietnam. Instead, the same thing is going on as was going on before.

Mr. Thieu, the unopposed elected dictator of Saigon, was again running his own slates for the Senate. We have withdrawn from Vietnam militarily, theoretically. We have played a major role in negotiating an agreement in protocols. It seems to me that we have responsibility to see that we don't financially support the maintenance of this continuing dictatorship and suppression of the freedom of the people to determine their course as provided for in that agreement.

The reclassification of non-Communist political opponents as "common-law" criminals is quite widespread. It appears to be the main device by which the Thieu government intends to avoid its obligation to release the political prisoners.

This practice is described in the documents already cited, in a letter, appendix C, from Huynh Tan Mam, the imprisoned president of the

National Student Association, and in statements to me by Assembly Deputy Ho Ngoc Nhoan and Vietnamese prelate Father Chan Tin.

The American Embassy has confirmed that reclassification is going on, although characteristically denying that it applies to those who shun both the GVN and the PRG. In a letter to Senator Kennedy's staff dated April 3, 1973, the U.S. Embassy has stated that "Before and since the cease-fire, the GVN has been converting (Vietcong civilian members) to common criminal status by the expedient of convicting them of ID card violations or draft dodging."

The political prisoners have protested vigorously against reclassification, as can be seen from the documents annexed hereto that I brought back with me. The attempt to turn those seeking a third solution over to the PRG has also been resisted.

I have in my possession, for example, an official document, appendix D, sentencing the respected non-Communist lawyer, Mr. Nguyen Long, to 10 years hard labor for "weakening the spirit of the army and people." It is dated September 21, 1972. Mr. Long, it will be noted, is not accused of being a member of the PRG, if you will examine the appendix.

On July 23, 1973, however, the Saigon Government announced that it was turning Mr. Long over to the PRG. Mr. Long, along with 12 other well known third force leaders, refused to identify themselves with the PRG in a statement issued the same day. This statement appears as appendix E. I might add that the Thieu government still has not attempted to turn these 12 leaders over to the PRG, despite its announcement that it would do so.

In another incident, 20 student prisoners who were brought to Loc Ninh on July 23 to be turned over to the PRG, refused to go. They also refused to sign papers "rallying" to the Thieu government, which is the other technique that they use: you either rally to Thieu or you confess a Communist commitment to the PRG, or you rot in jail.

Their position, set forth in a letter of July 30, appendix F, was that they were "Third Force" members and demanded to the ICCS to be released in Saigon to their families. As of that date, they were still being detained at Loc Ninh airport by the Thieu government, where they wrote this petition which is annexed to the ICCS.

A third such example is revealed in a letter, appendix G, written by Cao Dai religious leaders and the wife of Mr. Phan Duc Trong, requesting Mr. Trong's release and that of many other followers of the Cao Dai faith. The Cao Dai religion has made a determined effort to avoid identification with either side in the Vietnam conflict, and is a classic example of the so-called "Third Force." The imprisonment of many of its followers who have spoken out only for peace is a dramatic example of the Thieu government's policy of detaining non-Communists.

It is important to note that the noncommitted are an essential element to a democratic end to the Vietnam conflict. Their existence is recognized in the Paris agreement. Such imprisoned leaders represent many Vietnamese who are neither members of the PRG nor the Thieu government. This attempt to reclassify them as common criminals or turn them over to the PRG must be ended. They must be released to their families in Saigon and be allowed to participate in the choosing of those who will lead South Vietnam.

4. COVER-UP OF MISTREATMENT IN SAIGON PRISONS

I will not dwell here on the torture and mistreatment which characterize Saigon's inhuman prison system. The letters from National Student Association, from President Hunyh Tan Mam and from 120 Danang prisoners are but two examples of a flood of eyewitness reports of brutal torture, denial of food and medical care, and constant beatings which have come out of Saigon since the ceasefire. Indeed, there were some young French people in Congress not too long ago who testified and gave us eyewitness accounts of this kind of inhuman treatment.

Equally alarming is the fact that the Saigon Government is making a systematic attempt to cover up this brutality.

There can be no excuse for the Saigon authorities to prevent outside observers from freely visiting prisons since the cease-fire.

On CBS's "Face the Nation" on April 8, 1973, President Thieu told a nationwide U.S. television audience that "anyone" could visit his prisons. Instead, Saigon authorities have cynically violated this pledge.

I hereby submit for the record, as appendix H, a copy of a request to visit the prisons made by two Catholic bishops, Bishop Gumbleton of Detroit and Bishop Belanger of Valleyfield, Canada. The two bishops made this request to the Minister of Interior during a visit to Saigon 2 weeks after President Thieu's pledge. Their request was never even given the courtesy of an answer.

A second documented example, appendix I, is a refusal from the Ministry of the Interior to a request made by a Buddhist leader, Thich Phap Lan, to his request to visit the prisons.

The staff of the U.S. Senate Subcommittee on Refugees, the International Red Cross, and numerous journalists have also been refused permission to visit the prisons freely and talk privately with political prisoners.

5. U.S. RESPONSIBILITY FOR POLITICAL PRISONERS

The U.S. responsibility for the fate of Saigon's political prisoners is clear. It is not only that we signed an agreement on January 28, 1973, committing us to their release; it is that we are singlehandedly keeping in power the regime which refuses to release them and which continues to make new arrests of political opponents.

The Nixon administration's attempt to mask its continuing aid to Saigon as "Postwar Reconstruction Assistance" is further evidence of the policy of deceiving Congress about executive branch actions in Southeast Asia.

An August 19, 1973, New York Times article makes it clear that military aid comprises three quarters of our overall aid to the Thieu government this year. Much of the remaining quarter, some \$600 million, is also military and paramilitary in nature. Receipts from the nearly \$500 million allotted to the Food for Peace and Commodity Import programs, for example, will mostly go to support the South Vietnamese Army, Air Force, Navy, and Police. Less than one percent of our aid is allocated to Public Health, Education, and Agriculture.

By what twisted logic can such an aid request be termed "Postwar Reconstruction"? Is it not a shameless mockery of Congress to suggest

allocating well over 80 percent of these funds to the maintenance of an army of 1.1 million, to a political police force of 122,000, and these prisons and claim that it is not devoted to war?

The implications of this attempted deception of Congress are vast. On the issue of political prisoners, it means that Congress is being asked to fund the continued incarceration of tens of thousands of men, women, and children, and the arrests of many more.

Clearly, Congress must not do so. It is not only that continued funding of the police and prison system is a violation of the Paris accords, and an outrage to human decency. It is that such funding is also not in our national interest.

If there is any one thing on which all of us should be clear it is that the people of this country do not want any further involvement in war in Vietnam. They do not want to see us spending billions of dollars annually to keep a military dictatorship in Saigon. They want to see the struggle in Vietnam resolved peacefully.

The continued existence of massive numbers of political prisoners in South Vietnam makes a peaceful settlement impossible. If no political opposition is allowed, opponents of Thieu can turn only to military solutions. And if new fighting does break out, as it may at any moment, can any of us rest assured that an American President will not come and ask us to renew U.S. bombing? Is there anything to guarantee that we will not be forced to choose between refusing such bombing or accepting new U.S. POW's, further costs in the billions, and more death and devastation?

I do not know what will happen if there is pressure to renew the bombing. I do know, however, that it will be bad for the country and that the time to avoid it is now. We must not quietly acquiesce to funding more war in Vietnam, in the vague hope that it will not lead to a new flareup a few years from now. We must act to avoid future war at the present moment.

The question of political prisoners and our aid program there which maintains a dictator in power is a very key issue for the Congress to settle without any further neglect.

Mr. NIX. I want to express our gratitude to you for one of the finest statements that it has ever been my good fortune to hear. I am in complete agreement with you.

Without objection the documentary matter referred to, which you referred to, will be incorporated in your statement and printed in the record.

Ms. ABZUG. Thank you, Mr. Chairman.

[The documents referred to follow:]

APPENDIX A

OFFICIAL TELEGRAM FROM OPERATION PHOENIX—APRIL 5, 1973

Sent from : VPTT/UB QC/Phung Hoang (Operation Phoenix)

Received at :

Document No. 7167/N2/B, 5 April 1973

Regarding : Official Telegram No. 497/BNV/ANCT/I/B/M of 29 March 1973
from the Ministry of Interior :

First: Regarding persons who disturb the peace: in addition to house arrest; other measures of detention may be applied in accordance with decree No. 020-TT/SLU dated 25 November 1972, should there be insufficient evidence to bring them before a military court.

Second: The Security Council should be convened to decide to detain the persons in question and their files should be communicated to the Ministry of Interior, as before. Do not use the expression "condemned communist or communist agent." Write only: "disturbs the peace."

Third: In order to carry out strictly the above orders, we ask the Security Council:

(a) to continue its efforts to neutralize persons who disturb the peace, in order to achieve the goals set by the program for protection of the population, which was published in the order dated 3 April 1978, No. 0258/UBQC/VPTT/V.

(b) To coordinate your actions closely with local security councils, who will convene as soon as possible in order to bring before a military court, order the house arrest, or detention of all persons arrested for disturbing the peace. END.

By order of the Commander in Chief of the National Police, The General Secretary of the National Council of Operation Phoenix.

Col. NGUYEN VAN GIAU,
Head Secretary.

APPENDIX B

LETTER FROM THE POLITICAL PRISONERS AT DANANG PRISON

We do not write this letter to demand pity for our condition in the Saigon Government's prison system. For we are strong and happy in this prison due to our close feeling for one another, whatever side we are on.

We are strong in the spiritual strength of our people, in this victorious period in the history of our heroic nation. Among ourselves, we have already erased all the anger, jealousy and differences that have endangered our country for so many years.

But we must write this letter to reveal the true sadness of Danang prison and hope that government authorities will pay attention to this matter. Our hope is that this sadness can be ended soon in the spirit of National Reconciliation and Concord, the humanity of the two Vietnamese delegates, and the concern of the ICCS.

Despite the January and June Agreements in Paris, the guards at Danang prison have still continued to treat the prisoners inhumanly, especially the political prisoners.

According to the Agreement South Vietnam will have reconciliation and an end to all anger. This is made clear in article 11 of the Agreement and article 9 of the TCC. But the prison administration of Danang prison still maintains its inhuman re-education policy aimed at destroying the spirit and culture of our people. They still brutally beat the political prisoners, forcing them to either kneel or receive elbow blows under the slogan of "nothing but knees or elbows for the political prisoners and AK." This slogan is always in the minds of the supervisors Mat, Phu, Da, Du and Ring, Go Hoa. Ring-Go has named himself, after the person in a cowboy movie who always kicks and punches in a particularly dangerous way.

As a result of this mis-treatment many political prisoners in this prison receive injuries which they will carry all their lives.

Area of the political prisoners (area C) is known as the "restricted area." The Prison Director transfers some military men, deserters, armed robbers there to repress the political prisoners. With the permission of the chief of discipline for this area, they are allowed to beat the political prisoners who refuse to shout the slogans "down with Communism" or "Long live the Republic of Vietnam," and those who the authorities feel are leaders of the political prisoners.

The military prisoners take advantage of this to frighten the political prisoners. They repress these who refuse to lend them money or cigarettes, finding 1001 ways to repress political prisoners. For example, they will beat them if they sit and talk together in their cells or the courtyard, if they try to communicate or organize together. In June, 1973, the cellblock chief two political prisoners and then took them to the supervisor who beat them very cruelly and sent them to the Tiger Cages for 3 days. After the two prisoners were released from the Tiger Cages, they were transferred to the area of the military prisoners. They were very ill for several days. The military prisoners tried to provoke them, although they did their best to ignore them. The Prison Director tries in this way to provoke hatred between the military and political prisoners,

and among the political prisoners themselves. They attempt to buy or tempt certain prisoners so that they will become good servants of the authorities. Every time the military prisoners use violence they are protected by the Director, who openly says: "The military prisoners will beat you political prisoners. You must obey."

Political prisoners are restricted to their cells. The Director gives the reason that there are some addicts in cell No. 18 and he said is afraid they will use the political prisoners to buy drugs from the outside. As a result, political prisoners lack all contact with the outside except for Tuesday and Friday when they receive supplies from their families, and each day when a military prisoner named Cang takes one political prisoner from each cell to buy supplies for his group at the jail store.

The Saigon government applies a "ration economy" policy towards the political prisoners. One prisoner receives only one litre of water a day on the average. There are 4 cells in one area, with 200 prisoners packed into them. All 200 sometimes only receive 30 cans of water in two days. We do not mention the water lost when being brought from the kitchen to our area. We always lack enough water to drink in the very hot weather. When the cell chief comes to the supervisor for more water, the supervisor says "Each person only has one litre of water. If you want more water go to the well and get it." The water from the well is rusty and has dead fish in it. We cannot drink it.

The well is broken and so we have to use roofing to try to stop the sand from sliding into it. But much dirt still gets into the well. When it is hot we fight to get more water to drink and bathe in. It is a continual fight between the military and political prisoners. The Director does not give us a bucket to draw water because he is afraid we will commit suicide. So the prisoners try to make some holes and came down to get water. We hadn't have enough water and no mats on the floor, for that reason we got mange.

We have only two wishes: to return to our family as soon as possible and in the meantime to have enough water to drink and bathe, enough food to eat and permission to receive supplies from our families.

They do not give us enough food. Even old people do not receive enough. For a average person needs 4 meals a day. We political prisoners are only allowed to eat two meals a day. Sometimes we are too hungry and feel faint.

Besides that we have not been allowed for almost half a year to see our families, ask for necessary supplies and money. The military prisoners repress us, calling us things like, VI, AK, CI.

In prison we do not have enough food and water. Every time we are sick we cannot get medicine or a nurse. The supervisor of the dispensary tells us: "you are only sick when you cannot eat or drink. If you lie to us, we will beat you."

Mr. Trinh Van Vinh died for this reason. In June 1973 Mr. Huynh Tran and Mr. Vu Van Minh died. If there are some very sick prisoners, we have to knock at the supervisor's door and call "Sir, there is a dying person in cell x." Then the door is opened and the patient is carried out to temporarily lie in the dispensary. In the afternoon he is chased back to the room and is told: "Go back and make a request to the Director, you cannot lie here."

The Director falsified our records. For example: one honest old man, coming from a traditional family, was given the title "common prisoner" on the prisoner board across his chest.

Mrs. Truong Thi Ban, prisoner No. 10143, was brought to jail with her baby. She was considered a thief. She was arrested because she was involved in the case of Mr. Nguyen Thanh Nam or Mr. Nam Dua at Trung Hoa, Thac Gian, Danang in October 1972. Her fortune was confiscated by the government, and she was told that it belonged to the VC. She came to jail with nothing but her 1 year old infant and 27 taels of gold. In June 1973 she was sent to the court, charged with "common prisoner." She was sentenced to one year in jail and had all her gold taken except for two taels of gold.

In June 1973 many prisoners from Quang Tin and Quang Ngai were sent to court here with the charge of "common prisoners." But in truth these people either had NLF relatives or were suspected to be in contact with the NLF. In June, some of the political prisoners were told they were to be released. But when they came to Gia Long district police to receive their papers they were arrested and prosecuted as "Deserters." Many prisoners have been treated this way in the military and civilian prisons.

We, the political prisoners, think that the Director treats us inhumanly because of our title "common prisoners."

The political prisoners in this prison are waiting day and night for our release. We believe in the ability of the two South Vietnamese delegations and the ICCS to retract our title of "common prisoners" and to end the game of the Director of Danang prison.

All we political prisoners are waiting for the visit to this prison by the delegations of the ICCS and two South Vietnamese parties so that we can present our situation to them.

More than 120 political prisoners, Signatures enclosed.

APPENDIX C

LETTER FROM HUYNH TAN MAM, PRESIDENT OF NATIONAL STUDENT ASSOCIATION

Chi Hoa Prison, July 10, 1973

(Letter to West Germany)

CHI HOA PRISON,
Saigon, South Vietnam, July 10, 1973.

DEAR MRS. MARIA HOEFIER: We have received your sum. We are very grateful to you for your help. We would like to tell you about the present situation in Vietnam. That is, for us, worth to show you as well as friends everywhere is the welfare of political prisoners in South Vietnam which are still locked in dark rooms of Thieu's prisons. As the ceasefire did go into effect, we, the Vietnamese on all parts of the country hoped that in waiting releasing political prisoners in accordance with the spirit of the Paris agreement, Thieu will change his inhumane treatment to political prisoners. Unfortunately, what has been happening since makes disappear the last ray of hope of those who still think that this regime may improve its prison system.

In cooperation of the U.S. government which openly violated the article VIII of protocol concerning the treatment and the return of civilian personnel, this violation could be summed up in following forms:

1. Reclassify political prisoners as "common criminals" to avoid releasing them although many of them having been arrested for such crimes as "disturbing the national security" or "weakening the will of the people and army of South Vietnam to fight against the Communists" it meant totally on political grounds.

2. Repress bloodily political prisoners and force them to sign papers acknowledging their own release from the prison and then flown off to unknown destinations. From early April to late May, Colonel Nguyen Van Ve had carried out a series of repressions on the Con Son island prison which caused five hundred political prisoners wound and fifteen died. These repressions and coercions represented for the policies of hidden and of liquidation of the civilian detainees of Thieu's regime.

3. Torture prisoners, notably students, again under the pretext of completing their file. Even those who have been imprisoned are called back to police agencies for "interrogations" and submitted new tortures by the police with pretext that more information is need from them. Student Vo Nhu Lanh, President of Van Hanh Buddhist university is an example of this terrorism.

4. Physically moving prisoners from jail to jail. Thus, the whereabouts of many of our friends remain unknown to us and their family.

5. Attempting to detain indefinitely political prisoners, no releasing or returning them, even those who are enclosed in the list of five thousand eighty-one civilian detainees that Thieu's regime had admitted. Liberated prisoners are forced to join the Armed Forces of Saigon against their will and without informing their relatives.

6. Very inadequate food, clothing, shelter, and lack of medical attention cared for the prisoner's state of health. For example, on Con Son Island, the medical care is practically non-existent. In the infirmary of Chi Hoa Prison, the death rate of prisoners is ten people per week.

The crimes of Thieu's regime are endless. After more than two decades of bitter struggle we should have peace now, but instead of sending you good news, we are revealing to you the plight of hundreds of thousands of political prisoners in South Vietnam, under the harsh and unrepresentative regime of Thieu, of those who are locked now in various prisons builded by the funds of the U.S. Government.

We are forced to raise our voice because thousands and thousands of us have already died in prison. They are those who are asking for peace and independence for the country.

Dear Friend, accept our best wishes to you and to your people.
Sincerely yours

HUYNH TAN MAM,
Former Chairman of Vietnam National Student Union.

APPENDIX D

DECREE FROM THE MINISTER OF THE DEFENSE, SEPTEMBER 21, 1972

Republic of Vietnam, Ministry of the Defense

Considering the Constitution of the Republic of Vietnam, dated April 1, 67.
Considering the decree 394/TT/QP September 1, 69 and subsequent documents establishment and the composition of the government.
Considering decree No. 97 of martial law establishment about the suspension of parole of prisoners, who the military court gave charge;

DECREE

Article 1: We have decided to re-instate the decree No. 629/QP/ND dated September 7, 1967 and suspend the parole of prisoner NGUYEN LONG who was sentenced by the Military Field Third Court on June 4, 1965 to 10 years of hard labour, 5 years exile from home under the charge "weakening the spirit of the Army and the people."

Article 2: prisoner NGUYEN LONG must complete the full sentence, after subtracting the time the prisoner already served in jail.

Article 3: The Government delegate at the Third Field Military Court will carry out this decree.

September 21, 1972.

TRAN THIEN KHIEM,
Minister of the Defense.

APPENDIX E

**THE STATEMENT OF THE INTELLECTUALS AND STUDENTS IN THE EXCHANGE DAY,
LOC NINH, JULY 23, 1973**

DEAR GENTLEMEN: We are people who have struggled for peace, independence, national reconciliation and concord for our people. We were arrested by the Government Republic of Vietnam because of our activities. The Government of Republic of Vietnam should release us unconditionally, since we have only struggled politically for independence. However the Government of the Republic of Vietnam says it will either exchange us with the PRG or else we must accept the title of "rallies" if we want to return to Saigon.

We cannot accept these unjust conditions and request of the Government of Republic of Vietnam to release us unconditionally.

If the Government of the Republic of Vietnam does not meet our request, we will accept to go to the PRG-controled areas. But we maintain our original political position and wish to share in the building of peace, independence and reconciliation and concord for our people.

Loc Ninh, July 23, 1973.

On behalf of: Tran Ngoc Chau; Huynh Tan Mam; Vo Nhu Lanh; Nguyen Cong Minh; Huynh Kim Hoang; Le Khac Liem; Nguyen Long, Le Si Qui, pen-name Thieu Son; Nguyen Thanh Cong; Nguyen Thai Kiet; Ton That Hoa; Cao Lap.

APPENDIX F

**LETTER FROM LAN AND CONG ON BEHALF OF 20 POLITICAL PRISONERS—
JULY 30, 1973**

DEAR GENTLEMEN: We are the people who struggle for peace, independence, democracy, reconciliation and concord for our people. We do not belong to any

political party. Because of our activities, we were arrested by the Government of the Republic of Vietnam. On July 23, 1973 the Saigon government should have released us unconditionally together with other personalities who have struggled for independence, in opposition to the Government of the Republic of Vietnam. However the Government of the Republic of Vietnam has tried to exchange us with the NLF, giving a condition that if we want to return to Saigon we must rally to the GVN side.

We cannot accept either of these. For that reason we request to the ICCS step in and ask the Government of the Republic of Vietnam to release us unconditionally, protect our security grant our right to freedom and democracy so that we can be reunited with our families, our friends, schoolmates as soon as possible.

We have now been waiting for 7 days at Loc Ninh airport. Our requests has not been met. We demand that the ICCS and especially the Republic of Vietnam side meet our desire soon.

Respectfully

LÁN AND CÔNG,
(On behalf of 20 political prisoners).

APPENDIX G

LETTER TO THE PRESIDENT OF THE REPUBLIC OF VIETNAM— AUGUST 2, 1973

HOLY CAO DAI SEAT TAY NINH,
August 2, 1973.

URGENT LETTER

To : The President of the Republic of Vietnam, Nguyen Van Thieu.
Saigon : The Vice-President; The Prime Minister; The Chairman of the Parliament and all Senators and Representatives of the Republic of Vietnam.

DEAR PRESIDENT AND OTHERS: My husband is the monk Phan Duc Trong, of the Holy Cao Dai Seat at Tay Ninh. He is imprisoned at Tan Hiep re-education center, Bien Hoa. He has been on a hunger strike for many days against the government which mis-treats religious people who love their country and Peace, and which gives false reasons to return him to the NLF. I request the President and the Government of Republic of Vietnam to please release my husband and many Cao Dai monks who have struggled for justice and humanity at the Tan Hiep re-education center.

We urgent request all Cao Dai followers, religious groups, friendly associations, and our people, as well as International opinion to help our husbands and many prisoners who have been mistreated and jailed in many Republic of Vietnam prisons. They are in jail because they have struggled for peace, freedom and democracy for our people and the people of the world.

CAO DAI NUN : NGUYEN THI HAN,
Phan Duc Trong's wife.

Relatives: Monk Nguyen The Trach; Nun Nguyen Thi Trong; Nun Do Thi Chuc; Monk Phan Van Bay; Nun Vo Thi Ty; Nun Pham Thi Phuoc; Nun Do Thi Huyen; Nun Phan Thi Chin.

APPENDIX H

REQUEST BY BISHOPS GUMBLETON AND BELANGER TO THE MINISTERS OF THE INTERIOR TO VISIT PRISONS, APRIL 24, 1973

His Excellency Father Thomas Gumbleton, Bishop of Detroit, USA

His Excellency Father Guy Belanger, Bishop of Valleyfield, Canada

SAIGON, April 24, 1973.

To : His Excellency, The Prime Minister and The Minister of the Interior
EXCELLENCY: The undersigned respectfully submit a demand to obtain from your excellency the necessary permission to allow us to visit several prisons and

certain prisoners who we know, such as Madame NGO BA THANH and MR. NGUYEN LONG.

Be assured, excellency, that it is only humanitarian feelings which impel us to request this favor of you.

Please accept, excellency, this expression of our special consideration.
Signed,

APPENDIX I

LETTER FOR THE MINISTER OF THE INTERIOR, MARCH 5, 1973

SAIGON, March 5, 1973.

Republic of Vietnam, Ministry of the Interior

To : Ven. Thich Phap Lan ; 243 Su Van Hanh St., Saigon.

Summary : Regarding your request to visit, console and make a list of the prisoners at the Re-education Center.

Re : Your request No. 005-UBVD/VP dated Feb. 27, 1973.

DEAR VENERABLE : Regarding your request, we want to let you know : For special reasons, the Ministry of the Interior notifies you that we cannot yet accept your request.

For the Minister of the Interior,
The Chief of the Cabinet.

Col. HUYNH NGOC DIEP.

Mr. NIX, Mr. Wolff.

Mr. WOLFF. I note we do have a vote in the House; however, I want to concur with what the chairman has indicated. I want to also say that Ms. Abzug was a member of a team that went out into Southeast Asia and not only looked into the question of the political prisoners but the drug situation there as well and was a very valuable member of that group.

I do want to pass comment though on one or two things. I was in Vietnam at the time of the cease-fire and I should like to corroborate something that you have said about the reclassification of prisoners. There was definite evidence given to me by the U.S. officials that reclassification was taking place at that time, taking people not of the POW category and putting them into common criminal categories to remove them from the Paris peace accords.

I think that this is a great contribution that you have made by taking the trip to South Vietnam.

I would hope, Mr. Chairman, as a result of this meeting and others that will follow that the Foreign Affairs Committee will take it upon itself to request a mission of this Committee to act as an oversight group, to take Mr. Thieu up on his invitation to look and see what is happening in the prisons. I know I have tried to get out there myself, but I was unable to because of the pressures of time, but I would say that it is in the national interest for us to follow through to see what is happening to some of the money that we are spending in Vietnam.

I can say as well that our own contribution to the commodity import program has done nothing more in my mind than to fund the black market that continues to exist and has existed over the years in South Vietnam.

I congratulate you on your statement.

I see another man whom I know and who has worked in the field, Fred Branfman, who is going to testify here today. These are very valuable contributions that have been made to us so we can alert the American people to the problem that continues to exist there.

I agree with you. I think we have no place in Vietnam—let them do it themselves and let us not fund their activities that continue to bring forth more of the same. I think that what is needed is a change.

Thank you.

Ms. ABZUG. Thank you.

Mr. NIX. The subcommittee will stand in recess giving the members an opportunity to vote. We will return immediately after we perform that function.

[Whereupon a short recess was taken.]

Mr. NIX. The subcommittee will be in order.

Our next witness is Mr. Don Luce, author of "Hostages of War" which describes prison conditions in South Vietnam. I understand he has spent 13 years in that section of the world.

It is a pleasure to have you. You may proceed, sir.

STATEMENT OF DON LUCE, AUTHOR OF "HOSTAGES OF WAR"

Mr. LUCE. I wonder if I could ask that my statement be submitted for the record?

Mr. NIX. Without objection, it is so ordered.

Mr. LUCE. Thank you.

[The statement follows:]

PREPARED STATEMENT OF DON LUCE

My name is Don Luce. I am currently the Director of the Indochina Mobile Education Project and former director of International Voluntary Services, Vietnam. My testimony, however, is not in an official capacity. I have spent a total of twelve years in Viet Nam and have co-authored three books on the country. One, *Hostages of War*, specifically concerns political prisoners in southern Viet Nam. Two of the years I was in Viet Nam were with the World Council of Churches doing a study on post-war reconstruction.

AMERICAN RESPONSIBILITY FOR THE VIETNAMESE POLICE AND PRISON SYSTEM

The south Vietnamese penal system has been largely created, advised and maintained by the United States.

During the past 6 years the U.S. has spent at least \$131,700,000 on the south Vietnamese police and prison systems. Repression has increased steadily since 1967, the year General Nguyen Van Thieu won the presidential election and promptly jailed the runner-up for five years.

In 1964, there were only 10,000 National Police in south Viet Nam; by 1973, American funding had allowed that force to grow to over 120,000. These police interrogate, torture and spy on the entire population of south Viet Nam. They extort bribes from those whose identification papers have not been stamped by election officials. Whole families must make payments to escape arrest during nightly house searches. Even shoeshine boys caught sleeping on the streets in violation of curfew must pay off the National Police.

Demonstrations by Buddhist monks, students and war veterans have been broken up by police who use tear gas made by Federal Laboratories in Saltburg, Pennsylvania.

The shackles which are used to immobilize prisoners are manufactured by Smith and Wesson of Springfield, Massachusetts.

Provincial interrogation centers, where the worst torture takes place, have been built by American contractors. The U.S. Department of the Navy awarded a \$400,000 contract for the construction of the "New Tiger Cages" to the American firm Raymond, Morrison, Knudson-Brown, Root and Jones (RMK-BRJ).

The U.S. AID budget for 1974 set as a goal the establishment of a "central records system containing 12 million individual bio-data documents and 11.5 million dossiers." To attain this level of surveillance a vast amount of police and com-

puter work is required. Without United States funds, the Saigon government cannot carry out such a program.

Continued American involvement in such programs and policies is in violation of the January, 1973 *Agreement on Ending the War and Restoring Peace* which states:

"Immediately after the ceasefire, the two south Vietnamese parties will:

"Achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisals and discrimination against individuals or organizations that have been collaborated with one side or the other;

"Ensure the democratic liberties of the people, personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise." (Article 11)

"Foreign countries shall not impose any political tendency or personality on the south Vietnamese people." (Article 9)

"The United States will not continue its military involvement or intervene in the internal affairs of south Viet Nam," (Article 4)

"All Vietnamese civilian personnel captured and detained in south Viet Nam shall be treated humanely at all times, and in accordance with international practice.

"They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel punishment, and outrages against personal dignity. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced." (Protocol on Prisoners, Article 8)

In apparent compliance with these articles, President Nixon's 1974 Budget Presentation states:

"In keeping with the articles of the ceasefire agreement, AID has terminated its assistance to the National Police and to the Vietnamese Corrections System."

But a close inspection of the facts shows that contrary to the Paris Agreement, the U.S. is pumping very substantial amounts of money into the police and prison system.

Public Safety was abolished—but its programs and funding continue. Public Safety is now called Public Works, Public Administration and Technical support.

Item	Charged to	Amount
Police computer training.....	Technical support.....	\$869,000
Direct police training.....	Public administration.....	256,000
Police telecommunications.....	Public works.....	1,505,000
Public safety.....	Unliquidated obligation.....	1,285,000
National police support.....	do.....	2,472,000
Corrections system support.....	do.....	30,000
Public safety supplies.....	Budget request, Department of Defense.....	8,880,000
Total.....		15,217,000

Another 8.3 million dollars of U.S. tax money is being spent on prisons, police and police telecommunications, under the American AID programs (Title 84). This is money that comes from the sale of U.S. commodities donated to the Saigon government. The plasters generated are then put into a special account. The use of these funds requires the joint approval of the U.S. government and the Saigon government. I am submitting to the Committee a xerox copy of the American AID Program section on police and prisons and a copy of the joint letter of agreement on expenditures. The expenditure of the above mentioned 8.3 million dollars for activities in violation of the Paris Agreements was approved on February 23, 1973 by John R. Mossler, Director and AID/Viet Nam and Luu Van Tinh, Director General of the Bureau of south Vietnamese budget.

The preliminary 1974 Budget Presentation drawn up before the signing of the Paris Agreement, allocated funds to "establish, by the end of FY '75, a central records system containing 12 million individual bio-date documents and 115 million dossiers." Upon completion, this program would put two-thirds of the south Vietnamese population under political surveillance. What has happened since the ceasefire?

The goal is no longer listed, but:

Surveillance methods are being taught to police trainees in the U.S.

The Computer Sciences Corporation of El Segundo, California, has reportedly received a contract from the U.S. Agency for International Development to provide computer services to the police agencies in south Viet Nam.

The U.S. contributions to the plaster budget of Public Safety Telecommunications has doubled in the last year.

IMPACT OF REPRESSION ON THE VIETNAMESE

"There are political prisoners in south Vietnamese jails and incidents of abuse and mistreatment do occur," Marshall Wright of the U.S. State Department writes to Senator Edward Kennedy on August 2, 1973. Marshall Wright does go on to assure the Senator that "in general, cases of abuse appear to have occurred in the process of, or just after, arrest while detainees are still under police control or interrogation."

Thus, the U.S. government admits that there are political prisoners in south Vietnamese jails and that some abuse takes place. But while the State Department claims there are between 500 and 1,000 non-communist political prisoners, Amnesty International claims the figure is closer to 100,000 and the Committee to Improve the Prison System in Viet Nam provides the location of 200,000 prisoners. (Documentation for this estimate is included as an appendix.) One Vietnamese legislator has revealed that the prison allocations for the 1973 budget allow for 400,000 prisoners (*Le Monde*, March 16, 1973).

This committee has received pictures of people paralyzed from shackling and malnutrition. You have seen photos of people blinded from the caustic lime thrown into the tiger cages. The cases of Nguyen Ngoc Phuong, Venerable Hanh Tue and others who have died as a result of mistreatment in the jails have been heard. I can only add: we pay for it all and therefore must accept responsibility.

THE FUTURE

The fate of the 200,000 persons imprisoned in Saigon's jails is a central issue in determining the future of Viet Nam and American involvement there.

I would like to briefly review the impact which the war has had on the majority of the population of south Viet Nam to illustrate the significance of the political prisoner issue and the policies of repression currently being pursued by the Thieu government.

Beginning in 1965, when United States ground and air forces became massively involved in the prosecution of the war, ten million farmers, fishermen, craftsmen and small merchants were driven from their homelands. In less than a decade, a country which was 85% rural became 65% urban. More than 50% of the people were forcibly relocated.

The Saigon government and some American strategists did not necessarily consider this flow of refugees to the cities a political drawback, since the National Liberation Front was strongest in the countryside, while an ever-growing Saigon police force patrolled the cities.

Initially, Vietnamese cities were able to absorb economically (though not ecologically) the massive influx of refugees—thanks chiefly to the free-spending U.S. military, on and off duty. Many refugees were able to make a living working on or near U.S. military installations. Some became construction workers, translators or cooks. Others had to resort to prostitution, black market operations, shining shoes, or dealing drugs. However menial or degrading the tasks, the presence of American troops, 500,000 of them, did create an artificial economy capable of sustaining the teeming cities.

But the half million soldiers are now gone, and with them the millions of dollars they spent annually. A rampant and perverse prosperity has been replaced by pervasive economic stagnation and unemployment. Inflation continues. The government prints more money to pay its bills. And monetary reserves are rapidly diminishing.

The prerequisite for reversing these economic ills is to return people to their homes and get on with the business of agricultural production. But the same political considerations which caused the Saigon government to welcome people driven out of NLF territory in years past are still in effect today. President Thieu

is not anxious to have people returning unsupervised to their homes. Thus Article 6 of new Decree-Laws issued on January 22, 1973 states:

Arrest and detain those persons who incite people to create disorder and confusion or to leave those areas controlled by the government in order to go into communist-controlled zones or vice-versa. If they protest, they will be shot.

In effect, the millions of refugees created in the last decade are now imprisoned in refugee camps and squalid city slums, doomed to futile and desperate lives by a government too fearful of its own people to allow them to go home. Inevitably, the Vietnamese economic situation grows worse and worse.

But the course chosen by the Saigon government—confining its population to secure areas—has not been without political dangers of its own. The faltering economy, corruption, and preoccupation with military spending at the expense of social services has led to wide-spread discontent.* Disabled war veterans have demonstrated for higher pensions and better medical care, students have called for an end to corruption and workers have demanded higher wages and an end to inflation. The response of the Thieu government to these and other demands has been massive and indiscriminate repression. The veterans have been savagely beaten, the students have been imprisoned and tortured, and the union leaders have been arrested and, in one case, tortured to death.

The national police thus play the same role in the cities as the army does in the countryside. Wherever people are forced to live, they are considered a potential enemy.

The consequences of such attitudes are now obvious. Saigon's suspicions prevent the return of refugees to their ancestral homes. Agricultural production suffers. The inadequacies and depravation of urban living lead to protests and demonstrations. More police are required. A vicious circle of increasing repression and decreasing prosperity is the result.

The AID Fiscal Year 1974 Program Presentation, *Indochina Postwar Reconstruction Assistance*, acknowledges the importance of resettlement and reconciliation, at least verbally. But a careful examination of the various programs presented reveals the same war-oriented priorities as in previous years. And the emphasis continues to be on the funding and training of the national police and the maintaining and equipping of the army. Military aid is still three times greater than economic aid. And a substantial portion of the "economic" aid is actually devoted to military programs. \$90 million, or one third of the Commercial Import Program, and \$120 million, or 80% of the Food For Peace funds, support Saigon's army, navy and air force.

A POLICY OF CONTINUED AND INDEFINITE U.S. AID

The present policy of the United States means an indefinite commitment of money and materiel, at a rate of at least \$2 billion a year, to an unpopular dictator in Saigon. Much of the non-communist leadership in south Viet Nam—Buddhist monks, rural community leaders, labor union officials, students, lawyers, and newspaper editors—are in jail. These people represent the broad spectrum of political opinion which lies between that of the Saigon government and the National Liberation Front. They alone can effect the reconciliation and accommodation necessary to restore peace to Viet Nam. But they remain in jail.

Thousands of skilled Vietnamese live in exile, opposed to the present Saigon government. (More Vietnamese doctors live in France than in south Viet Nam.) These people, whether they are economists, artists, surgeons, engineers, or architects will not return while their families and friends are being arrested and tortured and a situation where their children would be drafted. South Viet Nam will have to do without their skills and rely on foreign advisors.

As long as the moderate, non-communist opposition in south Viet Nam is thoroughly repressed, National Liberation Front members will not dare seek accommodation with the Saigon government. President Thieu's policy aims at the eradication of the NLF but condemns south Viet Nam to endless war and the American taxpayer to endless expenditure.

The decision to prohibit refugees from returning to their homelands severely limits the ability of individual farmers, and of south Viet Nam itself, to recover from the effects of war. Those made homeless by the war can either be encouraged to become productive members of their communities again, or to remain

*Less than 1 percent of American aid to South Vietnam is budgeted for health, education and agriculture in Fiscal Year 1974. (NYT, Aug. 19, 1973).

displaced burdens on the economy. Saigon has chosen the latter option and the accelerating rate of inflation and dwindling foreign reserves testify to the disastrous effects of that choice.

The Saigon government maintains an army of 1.1 million men (the fourth largest in the world) and one of the largest per capita police forces of *any* country. At the same time its expenditure for health, education and social services is pitifully small. With deepening social unrest and dissatisfaction with unending war, no change in priorities can be expected. A police state creates a vicious cycle which requires even greater repression.

The United States has nearly completed the process of making South Viet Nam a permanent client state, requiring \$2 billion annually to sustain it.

Any money sent to the Thieu administration will be used to protect that administration from its own people. Continued U.S. aid to the Saigon government will be primarily used for repression—it is the only way that Thieu can stay in power.

Four basic reforms are needed if the south Vietnamese are to achieve a self-sufficient economy and the basic freedoms which the U.S. claimed it was fighting to provide.

1. All of the political prisoners must be released.
2. Non-violent freedom of expression must be allowed.
3. There must be freedom of movement to allow the farm people to return home.
4. The Saigon government must begin the demobilization of the armed forces.

Only then will the phrase "peace with honor" have any meaning for the long-suffering people of south Vietnam.

APPENDIX

*Political prisoners detained by the Government of the Republic of Viet Nam,
June 1, 1978*

4 Special prisons:

Con Son-----	8, 200
Thu Duc-----	1, 500
Tan Hiep-----	2, 500
Da Lat (for political youths)-----	1, 000
<hr/>	
Total -----	13, 200
<hr/>	

Military prisons:

Go Vap-----	2, 000
Da Nang, Nha Trang, Can Tho, Pleiku-----	4, 000
Other military prisons-----	6, 000
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Total -----	12, 000
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9 main prisons:

Chi Hoa-----	2, 000
Gia Dinh-----	3, 000
Can Tho-----	3, 000
My Tho-----	2, 000
Thu Phu (Hue)-----	2, 000
Danang-----	3, 000
Quang Nam-----	3, 000
Quang Ngai-----	4, 000
Qui Nhon-----	3, 000
<hr/>	
Total -----	25, 000
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37 other provincial prisons-----	50, 000
District and village prisons-----	68, 000
Interrogation centers-----	33, 800
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Grand total-----	202, 000
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Source : The Committee To Reform the Prison System, Saigon.

Mr. LUCE. I have also received and talked some with the committee about the testimony of Dr. John Champlin. I understand the pictures which he sent cannot be admitted for documentation but I think it is important to point out that in his testimony he speaks of the paralyzed people who have just been released from the tiger cages with medical evidence of paralysis which was due to the shackling and to the poor nutrition. As you can see from these pictures, his fingers can actually circle the leg of this particular paralyzed prisoner.

I would also like to ask that Dr. Champlin's testimony be submitted for the record.

Mr. NIX. Without objection, the testimony of Dr. John Champlin will be incorporated at this point in the record.

Mr. LUCE. Thank you.

[The statement follows:]

**PREPARED STATEMENT OF JOHN CHAMPLIN, M.D. (FORMER AIR FORCE DOCTOR),
REGARDING THE PRISON SYSTEM IN SOUTHERN VIETNAM**

Mr. Chairman and Members of the Subcommittee, I want to thank you for the invitation to present information regarding prisoners and the prison system in south Viet Nam.

On June 11, 1973, I testified before the House Committee on Foreign Affairs regarding the Administration's proposed Aid to Indochina in H.R. 7484. My testimony on that date, based on three and one-half years experience in Viet Nam as a Vietnamese speaking physician, was directed toward the health care situation and mistreatment of prisoners in the Thieu controlled areas of Viet Nam. Time did not permit me, on that occasion, to deal adequately with the prisoner issue.

I welcome this opportunity to expand on my experience with prisoners in south Viet Nam and on the subject of the Administration's involvement in the prison system there.

I. THE PARALYZED PRISONERS—HISTORICALLY UNIQUE

In February and March, 1973, I examined twenty of 124 paralyzed civilians conditionally released on February 16 from the Con Son Island tiger cages. Their health presented concrete evidence of the mistreatment they endured and barely survived. Objective physical findings in these prisoners, demonstrated in the enclosed photographs, prove that both the Thieu and Nixon administrations have been lying about these prisoners and the conditions which lead to their paralysis.

Two-thirds of the prisoners in this group had clinical signs and symptoms of tuberculosis. All had symptoms of vitamin deficiency and other serious internal diseases. One was near death after having been refused treatment for his very grave pulmonary infection by Thieu government police; he coughed up nearly a cup of blood in my presence.

The twenty prisoners examined were all partially or completely paralyzed at the knee joint and *completely paralyzed below the knees*. Their patellar reflexes were decreased or absent and *Achilles tendon reflexes were absent* in all cases. Considerable *atrophy* was present in the legs of all prisoners, often to the extent that I could encircle a prisoner's leg above the ankle with my thumb and index finger as shown in one of the photographs. Limited ankle flexion, secondary to muscle contracture, is demonstrated in the same picture. These facts and photographs represent objective medical evidence that the prisoners' paralysis was organic and real—belying State Department claims to the contrary!

The paralysis in these prisoners was primarily due to severe nutritional deficiency coupled with prolonged immobilization. Each man had spent months or years without interruption in leg shackles while subsisting on a diet of three handfuls of milled white rice and three swallows of water per day. This combination of prolonged immobilization and starvation has to my knowledge never occurred before on such a scale. A computer review of 1200 medical journals and a personal search through medical literature on the health of POW's produces no descriptions similar to the above. Their paralysis together with the causitive conditions are unique in the history of modern warfare, and the U.S. bears a heavy burden of complicity.

II. EVIDENCE OF U.S. INVOLVEMENT

Senator Edward Kennedy read into the Congressional Record of June 4, 1973, clear evidence that the Administration has been financing the Thieu regime's police and prison system while deceiving Congress and the American public about it.

Other evidence is just as clear: As early as October 1, 1968, the AID Public Safety Director in Viet Nam, Frank Walton, wrote a memo stating, "In Con Son II, some of the hardcore communists keep preaching the 'party' line, so these 'Reds' are sent to the tiger cages in Con Son I where they are isolated from all others for months at a time. This confinement . . . may include immobilization—the prisoner is bolted to the floor, handcuffed to a bar or rod, or legirons with the chain through an eyebolt, or around a bar or rod."

In 1970, Congressmen Hawkins and Anderson witnessed and photographed the tiger cages with paralyzed prisoners present in them. Following that visit, the tiger cage prisoners were temporarily removed to more pleasant cells where they were examined by a team of U.S. military doctors in October or November, 1970. The doctors were sufficiently disturbed to ask that their diets be improved, and arrangements were made to send eighty prisoners to hospitals on the mainland. According to the prisoners, however, the "hospital" turned out to be Saigon's Chi Hoa Prison where the prisoners were again examined by U.S. physicians on several occasions. Despite all the examinations and attendant promises, the prisoners say they never received so much as an aspirin of medical treatment while imprisoned. After 5-6 months at Chi Hoa the paralyzed prisoners were returned to Con Son where they again were shackled and put in isolation—this time in the new tiger cages built by the American company RMK-BRJ under contract (dated January 7, 1971) to the U.S. Navy (see enclosed copies of drawings by a paralyzed prisoner who lived in these cages).

Official American documents corroborate important points in the prisoners' story. In a letter dated February 18, 1971, from Mr. Colgate S. Prentice of the State Department to Norman Cornish of the Subcommittee on Foreign Operations, Committee on Government Operations, House of Representatives, it was admitted that "allegedly" paralyzed prisoners were returned to Saigon from Con Son Island for medical examinations. In this letter the State Department spokesman said that: "U.S. medical examiners could find no evidence of malnutrition and there was no evidence of organic neurologic disease. It was concluded that the complaint represented either malingering or hysteria."

The same letter also stated that: "The GVN found it was necessary to resort to large scale shackling . . ." and that: "U.S. Mobile Medical and Dental Teams provided by the MACV Surgeon General now visit Con Son."

Following American newspaper and television accounts of the paralyzed prisoners' condition in February and early March this year (see Washington Post, March 4, 1973), an anonymous U.S. officer in Saigon leaked information obviously designed to counter the adverse publicity. In the March 15, 1973, San Francisco Examiner, Chicago Daily News reporter Larry Green wrote that a three man team of military physicians examined "116 of the 303 inmates who complained they could not walk" (emphasis mine). He then apparently quoted the same document used by Mr. Prentice, a "secret" medical report: "The majority of these prisoners are not suffering from organic neurologic disease . . ." (emphasis mine—please note the lesser degree of certainty). Mr. Green, however, did not have "legal" access to the report he quoted, and the remainder of his article was filled with nonsensical medical statements purporting to explain to laymen why the prisoners "couldn't have been paralyzed."

That one or more "secret medical reports" exist is no longer in doubt. One such report was described briefly in the Congressional Record, p. S-10207, June 4, 1973. That report, authorized by a "Dr. Brown", is now in the hands of the Senate Subcommittee on Refugees Staff, but it remains classified. Other secret medical reports, perhaps with contradicting evidence, are undoubtedly on record in MACV and AID-Viet Nam files.

It can not now be disputed that U.S. financial support makes possible the Thieu regime's prison system or that U.S. officials have had knowledge of conditions therein.

This testimony with the testimony of other expert witnesses, photographs, drawings, and numerous accounts by credible journalists of major American newspapers and magazines leaves the Subcommittee with the question of who or what to believe. If you believe this public testimony to be false or inaccurate, you

will have to believe the accompanying photographs as well as all the photos and films taken by professional journalists and photographers (NBC, Time, Granada TV Corp., etc.) are also false or misleading.

If the Subcommittee members accept these testimonies by nongovernment witnesses and all the photos as reasonably accurate, then of course you will have to conclude that the Administration has been lying to Congress about yet another aspect of the Indochina War.

III. FURTHER INVESTIGATION

In keeping with the latter conclusion, there are numerous disturbing questions that arise with regard to U.S. military medical activities in south Viet Nam's prisons: 1) Were the so-called secret medical reports accurate extractions of the medical records kept by examining military physicians? 2) If the examinations were done to determine the "truth" and they support the Administration's claims, why is the "truth" classified secret? 3) Why were so many allegedly "healthily" prisoners with "no evidence of malnutrition or organic" disease sent all the way back to Saigon for examinations? 4) If the medical records actually support the Administration's position, have the military and civilian government doctors been deceiving themselves or fabricating the results of their examinations? 5) If the military physicians were not collecting data "fit for public consumption," why were they collecting medical data on these very unique physiological phenomena? 6) Were they gathering research data on paralyzed Vietnamese prisoners while medical treatment was intentionally withheld?

These are legitimate questions called forth by the facts. They demand carefully investigated answers with full public disclosure. No human being with a sense of justice and knowledge of the evidence will be satisfied until such an investigation is complete.

IV. PERSONAL ACCOUNTS BY THE PARALYZED PRISONERS

Having established both a considerable degree of U.S. involvement with these prisoners over a period of several years and the objective facts of their condition, we can now move on to a subjective composite of what the above meant experientially. Before going into these accounts, however, I want to add that the description to follow has been corroborated by numerous other prisoners and other witnesses to their tales.

Some aspects of the tiger cages are almost universal in the Thieu prison system. In early 1972, a prison guard formerly stationed at Phu Quoc Island, were some 30-40,000 POW's were held, related to me how he and other guards had carried two feet high "chicken cages" containing dying prisoners into the jungle for hiding while the International Red Cross attempted to investigate the Phu Quoc POW camp. The same guard said he was ostracized by his fellow guards when he refused to join them in beating the prisoners. Many of the buildings at Phu Quoc, incidentally, were pre-fabricated in the U.S. There are numerous other revealing anecdotes to report, but space does not permit them all.

The paralyzed former tiger cage prisoners, many of whom have now been reincarcerated by the Thieu regime regardless of their continued leg paralysis, have the more compelling story to tell. It is important to remember, however, that their evidence is only a small part of the whole prison story in South Viet Nam.

The paralyzed prisoners stated they were in the tiger cages for periods of two and one-half to seven years. The enclosed drawings tell much about that experience. If Subcommittee members naively equate the Con Son tiger cages with the so-called "tiger cages" displayed by carefully selected American POW's who visited Congress, they have not understood the full meaning of the words "tiger cage." Tiger cages are far more than mere physical entities. They imply a whole system of historically unique, brutal repression.

The paralyzed prisoners told of being under constant surveillance with unrelenting mental and physical abuse. At times they were crowded into cells so small they had to take turns lying or sitting on one another and so poorly ventilated that the available oxygen could not support lighted matches sometimes held by guards to see into the cages at night. They were constantly jabbed and beaten by guards who patrolled along the top of their cages with long poles. Lime dust, feces, and urine rained down on their seminaked bodies unexpectedly or at the slightest provocation, as for example when a prisoner requested a swallow of water or medical treatment for a dying cellmate. The lime dust inevitably brought coughing with bloody expectoration and pulmonary infections.

Starving prisoners who acquired handfuls of grass brought by those yet to be shackled found that the grass was torn from their mouths by guards who beat them for their effort to survive. Corpses piled 3 to 4 high in the old French built tiger cages before the guards even considered removing them.

In the American built tiger cages the prisoners were treated in exactly the same way with the single difference being that here the prisoners were usually held in solitary confinement—a factor many of the prisoners feared greatly. The well known and widely loved Buddhist monk, Dai Duc Thich Hanh Tue, whose picture and comments appeared in newspapers and journals around the world in 1970 and thereafter, was beaten and died in such isolation on January 8, 1973—less than a month before the Paris Agreement.

Not that the Paris Agreement with its clauses providing for humane treatment of prisoners brought any improvements to Con Son. When the prisoners applauded the new cease-fire agreement they were savagely beaten by guards. A short time later, in response to a request from one prisoner, for example to some sunlight, the prisoners were again beaten. Each beating left dozens of prisoners with broken bones or fractured skulls—and more corpses. Reports of similar beatings and deaths continue to leak out of the prisons.

There have also been numerous reports of prisoners disappearing. The paralyzed prisoners told of nearly 300 Con Son prisoners who were forced to sign release papers shortly after the peace agreement and then forced to enter Saigon government aircraft. Those prisoners are now among the hundreds, perhaps thousands of prisoners who have disappeared without a trace in the Thieu regime's prison system.

V. INTERNATIONAL IMPORT OF THE THIEU REGIME'S PRISONS

Are the U.S.-supported "re-education centers" in Viet Nam such a sophisticated "improvement" over the Nazi concentration camps that no traces of the missing will ever be found? The prisons are still full, but American representatives of Congress are refused entrance. Why? These questions also demand answers that can only come from inside those prisons or from those who have been there.

The magnitude of the crimes suggested by available evidence is such that the conscience of humanity around the world is certain to eventually become outraged. When American taxpayers fully comprehend that on top of the massacres, bombings, "mistaken" bombings, and secret bombings there exists a massive crime more heinous than those heretofore publicized, how will they feel toward the government of these United States? That same government which is using tax dollars to permit the continuance of torture and slaughter in those prisons?

Better that a full public investigation of the Thieu prison system and an end to these violations take place now—as the initiative of a revived American decency.

Mr. LUCE. My testimony in outline is first of all that the United States continues to fund the South Vietnamese police and prison system in violation of the Paris peace agreement. The Paris peace agreement, or as it is officially called, the Agreement on Ending the War and Restoring Peace, states that:

Immediately after the cease-fire, the two South Vietnamese parties will insure the democratic liberties of the people, personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise.

It also states, and I quote:

Foreign countries shall not impose any political tendency or personality on the South Vietnamese people.

Also in quotes:

The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam.

In apparent compliance with this, the Agency for International Development, when it presented its 1974 program presentation to Congress, stated:

In keeping with the articles of the cease-fire agreement, AID has terminated its assistance to the National Police and to the Vietnamese Corrections System.

In fact, what happened was that police computer training was changed from public safety to technical support, and the taxpayers are paying \$869,000 for that. The direct police training was changed from public safety to public administration, and we pay \$256,000 for that. Police telecommunications was changed to public works. Public safety, national police support, and corrections system support are coming from unliquidated obligations.

Also, the U.S. Government is putting \$8.3 million into South Vietnam through the American AID chapter. I have attached to my testimony the GVN national budget which lists the various expenditures here, and also, which I think is especially important, a letter which is signed by John Mossler, the Director for the Agency for International Development, to Luu Van Tinh who is the Director General for Budget and Foreign Aid of the Vietnamese Government.

Mr. Nix. Both of the items referred to will be made a part of the statement that you are now making, and incorporated in the record.

Mr. LUCE. Thank you. I would draw special note to the fact that this is dated February 23, 1973, after the signing of the Paris Peace Agreement.

[The documents follow:]

REPUBLIC OF VIETNAM

GENERAL DIRECTORATE OF BUDGET AND FOREIGN AID—TITLE 34, GVN NATIONAL BUDGET,
FISCAL YEAR 1973

(American Aid Programs)

MINISTRY OF INTERIOR

NATIONAL POLICE HEADQUARTERS—PUBLIC SAFETY SERVICES

[All figures times 1,000]

Articles	Categories of expenditures	Estimated expenditures		
		1973	1972	Increase (+), decrease (-)
11 to 19.....	Salaries and allowances for civilian personnel.....	30,000		-30,000
21 to 29.....	Salaries and allowances for military personnel.....			
31 to 39.....	Materials and operational expenditures.....	1,000,000	258,300	+741,700
41 to 49.....	Interest, refundment and funds for contribution.....			
51 to 59.....	Ordinary transfers.....			
61 to 69.....	Transfers of capitals.....			
71 to 79.....	Direct Investments.....	244,700		-244,700
81 to 89.....	Financial Investments.....			
91 to 99.....	Expenditures noncategorized.....			
Total.....		1,000,000	533,000	+467,000

Justifications—arts. 31-39—Materials and operational expenditures:	Expenditures
Printing.....	35,000
Transportation of personnel.....	15,000
Transportation of materials.....	15,000
Office supplies.....	90,000
Newspapers.....	1,000
Clothes.....	187,000
Food.....	55,000
Health, sanitation and laboratory equipment.....	34,946
Miscellaneous items.....	30,000
POL.....	320,054
Maintenance and repair of houses.....	17,000
Maintenance and repair of transportation equipment.....	200,000
Total.....	1,000,000

TELECOMMUNICATIONS DIRECTORATE—PUBLIC SAFETY TELECOMMUNICATIONS

[All figures times 1,000]

Articles	Categories of expenditures	Estimated expenditures		Increase (+), decrease (-)
		1973	1972	
11 to 19.....	Salaries and allowances for civilian personnel.....	13,000		+13,000
21 to 29.....	Salaries and allowances for military personnel.....			
31 to 39.....	Materials and operational expenditures.....	228,300	111,000	+117,300
41 to 49.....	Interest, refundment and funds for contribution.....			
51 to 59.....	Ordinary transfers.....			
61 to 69.....	Transfers of capitals.....			
71 to 79.....	Direct investments.....	23,000	22,000	+1,000
81 to 89.....	Financial investments.....			
91 to 99.....	Expenditures noncategorized.....			
Total.....		264,300	133,000	+131,300

Justifications:

	Expenditures
Arts. 31 to 39: Materials and operational expenditures.....	
Arts. 11 to 19: Salaries and Allowances for civilian personnel.....	13,000
Art. 31 to 39: Materials and operational expenditures.....	228,300
Printing (IBM).....	2,000
Inland transportation.....	8,000
POL.....	3,000
Spare parts for repair of radars, OKI switchboard, generators, and alternators.....	6,300
Purchase of 5,000,000 1.5-volt dry batteries, size D.....	165,000
Purchase of 4,000 storage batteries 12 volt, 110 AH.....	41,000
Imprest funds and cables.....	3,000
Arts. 71 to 79: Direct investments.....	23,000
Construction and major repairs.....	22,000
Office supplies and household utensils.....	1,000
Total.....	264,300

RE-EDUCATION DIRECTORATE—CORRECTION CENTER

[All figures times 1,000]

Articles	Categories of expenditures	Estimated expenditures		Increase (+), decrease (-)
		1973	1972	
11 to 19.....	Salaries and allowances for civilian personnel.....	2,989		+2,989
21 to 29.....	Salaries and allowances for military personnel.....			
31 to 39.....	Materials and operational expenditures.....	43,450	35,570	-7,880
41 to 49.....	Interest, refundment and funds for contribution.....			
51 to 59.....	Ordinary transfers.....			
61 to 69.....	Transfers of capitals.....			
71 to 79.....	Direct investments.....	3,561	33,430	-29,869
81 to 89.....	Financial investments.....			
91 to 99.....	Expenditures noncategorized.....			
Total.....		50,000	69,000	-19,000

Justifications:

	Expenditures
Arts. 11 to 19: Salaries and allowances for civilian personnel.....	2,989
Arts. 31 to 39: Materials and operational expenditures.....	43,450
Educational and professional orientation materials.....	5,000
Materials, blankets, mats, and rain coats for culprits.....	8,000
POL and transportation.....	5,000
Inland training.....	1,450
Animal raising and plantation program.....	3,000
Entertainment and gymnastics equipment.....	3,000
Maintenance of office furnitures, generators, vehicles, fishing ships, and other facilities.....	18,000
Arts. 71 to 79: Direct investments.....	3,561
TV sets and broadcasting system.....	1,000
Vocational training equipment for culprits.....	2,561
Total.....	50,000

**EMBASSY OF THE UNITED STATES OF AMERICA,
U.S. AID MISSION TO VIETNAM,
Saigon, February 23, 1973.**

**His Excellency LUU VAN TINH,
Director General for Budget and Foreign Aid,
Saigon, Vietnam**

DEAR MR. DIRECTOR GENERAL: In accordance with the terms of the Letter of Understanding dated February 23, 1973, the following are our recommendations for the allocation of the piasters generated by the Commercial Import Program and by the PL 480 Title I Sales Program and of the US/GVN-controlled, US/GVN-owned piaster funds in support of military, economic and social programs for the calendar year 1973:

Item and purpose:	<i>(In billions of Vietnam dollars)</i>
1. Title 34 (American aid programs) GVN national budget-----	33.0
2. Military budget support (joint support funds)-----	97.0
3. USAID trust fund-----	6.0
 Total -----	146.0

Any changes in these allocations which may become necessary during calendar year 1973 will be made by mutual agreement through amendment to this letter.

Attached hereto is a table showing the estimated U.S. dollar contributions for technical services, including participant training, and commodities or support in connection with the joint economic and social programs for the U.S. fiscal year 1973. The amounts listed in the enclosure are subject to appropriation by the U.S. government and to the availability of funds to the USAID Mission/Vietnam.

If you concur in the proposed allocations, please so indicate by returning to us a signed original copy of this letter which will be used to reproduce copies for distribution.

Sincerely,

JOHN R. MOSSER,
Minister-Director,

Enclosure.

Accepted and agreed to for the Government of Vietnam.

LUU VAN TINH,
Director General for Budget and Foreign Aid.

Date: February 23, 1973.

ENCLOSURE A.—Estimate of dollar contributions—U.S. fiscal year 1973

Item and purpose:	<i>(In millions of U.S. dollars)</i>
1. Technical assistance programs-----	146.8
2. General Support-----	18.0
3. Commercial import program-----	223.0
4. Public Law 480, title I sales program-----	150.0
 Total -----	547.8

¹ Includes both AID and DOD funding, portions of which will offset AAC budget financing.

National budget—The amounts listed are subject to appropriations by the U.S. Government and to the availability of funds to the USAID Mission—Vietnam.

Mr. LUCE. The second point that I want to make is that the United States has established a police army. In 1964, according to testimony by Mr. Nooter, AID Assistant Administrator, before one of the House committees, there were 10,000 police in Vietnam. Today there are 122,000 police in Vietnam paid for by the U.S. taxpayers.

Third, the United States and South Vietnamese officials in Saigon and Washington have tried to deceive both the American people and Congress by changing the names of police and prison aid to public works administration and technical support and by providing goods paid for by U.S. taxpayers and converting those into piasters and then using the piasters to pay for the prisons.

Fourth, by hiring private companies to do the job, such as Computer Sciences Corp. in Los Angeles, and also by providing large-scale training in the United States.

For the past 10 years, the average number of Vietnamese police personnel trained in the United States was 41. This year, the number has increased to 264. I think one thing that is very important in talking about this big increase is that 200 of these people are being trained in computer sciences.

I would like to quote from the 1974 budget. This is the one which was prepared before the cease-fire and is now inoperative in terms of aid, but one of the things which they were planning for, and I quote:

Establish by the end of fiscal year 1975 a central records system containing 12 million individual bio documents and 11.5 million dossiers.

This means that the United States will be paying for putting two-thirds of the population of South Vietnam under political surveillance. The United States no longer uses the same language, but we are paying the same amounts of money. We are training 200 South Vietnamese police personnel here in the United States in computer sciences. We are hiring American companies to train in computer sciences. We have provided the IBM and computer equipment to carry on this massive classification of the South Vietnamese population.

The next concern which I have is that the U.S. Congress by appropriating funds for Vietnam is asking American citizens to pay for torture in another country. I know that many Congress people are very concerned about this, and I think that it is something which can be prevented.

I won't go into individual cases of mistreatment and torture in the prisons. Representative Abzug has described these and entered into her testimony many specific cases. I would point out, for example, that in the Senate now there are amendments; for example, Senator James Abourezk has presented an amendment which states:

No funds authorized by this or any other act shall be used to provide economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes.

So Congress can enact legislation which would stop the use of American money for the imprisonment and torture of people who are imprisoned.

Now, as Representative Abzug pointed out, less than 1 percent of the American aid to Vietnam goes into the combined totals of aid to agriculture, public health, and education. Today almost none of our aid is going into the social services; almost all of it is going into the military and the paramilitary.

The repression in Vietnam has become a vicious circle. The Saigon Government got into power by repressive means, and it can stay in power only by continuing that repression, and the United States continues to pay for this. Continuing the present policies of the United States in Vietnam will cost the U.S. taxpayers for the indefinite future at least \$2 billion a year.

Saigon has a 1.1 million-man army. The Saigon Government is not allowing the farm people to return to their farms so that the Saigon Government cannot get on to its own economy, cannot develop its exports. The people who could bring about reconciliation and bring

about a peaceful Vietnam are presently in jail. The Fellowship of Reconciliation, for example, in the United States, has a list of several hundred Buddhist monks who are still imprisoned in Vietnam.

The religious leaders, some of the political leaders that are in jail, are the kind of people who could bring about reconciliation. The technical people such as doctors, engineers, and so on who are abroad are not going to return to Vietnam as long as they know if they go back they would just be put in jail or that their children would be inducted into the army.

I see very little chance of the technical people returning to Vietnam, and it is going to cost the United States at least \$2 billion just to continue its present policies in Vietnam. So unless we change our policies in regards to the prisons and unless we stop supporting a dictator in Saigon, the American Congress is asking the American people to pay for torture in Vietnam, to violate the Paris peace agreements which we signed, and for an indefinite period, give \$2 billion worth of U.S. support to a dictator in Saigon.

Mr. Nix. Thank you very much, Mr. Luce, for a most interesting and informative statement.

I would just ask about the 13 years you have spent in Vietnam. In what capacity did you serve there?

Mr. LUCE. I went to Vietnam in 1958 as an agriculturalist. I studied at the University of Vermont and Cornell, and went to a place called Ban Me Thuot in the highlands to work on sweet potatoes with an organization called International Voluntary Services. In 1960, I became the Director for IVS in Vietnam and was Director until 1967. For the last year I was there with IVS. I was concurrently the Chairman of the Council of Voluntary Agencies.

In 1968, I went back to Vietnam with the World Council of Churches and did a study for the World Council on problems of postwar reconstruction and was there until 1971. In 1971, I was kicked out of Vietnam because I took two Members of the U.S. Congress to the prison island of Con Son where, using maps which some of the former prisoners had drawn, Congressman Augustus Hawkins of Los Angeles and Congressman William Anderson of Tennessee were able to get down in between the prison walls and to find the tiger cages.

I would point out that since then the Saigon Government said they were going to do away with the tiger cages, then they ordered the Vietnamese political prisoners to build new tiger cages as a self-help project. The prisoners refused to do so and were put back into shackles. Then in January 1971, the U.S. Department of the Navy gave a \$400,000 contract, which I have, to Raymond, Morrison, Knudson-Brown, Root & Jones to build 384 new tiger cages, or isolation cells as they are called in the contract.

Now, this person in the picture here is paralyzed as a result of spending several months shackled in American-built tiger cages.

Mr. Nix. Thank you very much, Mr. Luce.

Mr. Riegle.

Mr. RIEGLE. First, Mr. Luce, it is a pleasure to see you again. Let me say at the outset how much I appreciate, and other people around the world appreciate, the work that you have done in this area.

I think your early awareness of a number of things and your effort to bring these things to light was an important part of changing pub-

lic governmental attitudes in this country. We have not gotten the job done yet; at least the bombs are not falling any more, and there are some signs of progress. I say "we," meaning those who felt for many years that our involvement in Southeast Asia was wrong militarily.

I am deeply troubled about the subject matter of these hearings and the things that you commented on in your statement and summary to the committee. I think our sentiments are very nearly the same on most of these matters.

Let me pose a couple of questions so that we can have your response on the record.

Two or three days ago, the Russian author Solzhenitsyn had some very caustic comments to make about not only repression of the right or of the "President Thieu variety" but also repression and torture from the forces of the left. As regards the behavior of the Government in South Vietnam, it is outrageous, and let me just emphasize that again.

I wonder how we respond to the question he has raised in terms of an assessment of the rules of conduct of the "other side": the NVA that may be in South Vietnam. What is their pattern of behavior and how can we address that question in the context of the repression discussed by the Russian author? How do we respond to that? How do you respond?

Mr. LUCE. I think, first of all, that we should respond in some way similar to Senator Abourezk's statement on this, and that is that the United States should be very careful not to put funds into any country that has political repression. I think all of us realize political repression can come from either the right or the left, and as a Nation we have to be sure that we are not paying for the prisons, paying for the shackling, and that sort of thing, and that we are not supporting the government of any country when that government stays in power primarily through repressive means.

So first of all I think that is a question of our own support for governments where we protect governments from their own people. So in the case of South Vietnam obviously the United States has protected the Saigon Government from its own people.

In the case of Russia, I think that all of us should question this sort of thing. We should be very concerned that our own country does not do the same things, does not encourage Russia to do this sort of thing, and we have to be very careful in our own economic dealings with any country that does that sort of thing. I think in terms of sovereignty of countries and so on, the first responsibility that we have is to see that we don't pay for torture.

Mr. RIEGLE. One of the things that troubles me is the pattern that has emerged full-blown in this administration of feeling very comfortable with repressive regimes. They find it very easy to do business with that kind of leader whether he be of the "left" or the "right." I have a theory myself that at a certain point it is a spectrum—like a circle—so that what happens at the extreme left and extreme right converge so they become the same thing.

I have seen an alarming pattern of accommodation and perhaps even more than an accommodation—a kind of comfortableness and a mutual reinforcing of relationships across the board. I am not one who is against free trade or reducing barriers and opening up a dialog. I

am very much for those things, but it seems that a pattern of special interest relationships is growing up on a worldwide basis between repressive governments. The militant, anti-Communist political leaders in this country now find it very easy to do business with the most Communist of Communist regimes. These countries are terribly repressive, just as the Government of South Vietnam is repressive.

So one of the things that troubles me is whether or not the citizens of the world, whether they be South Vietnamese, American, Greek, or Chilean really have the kind of fighting chance that people should have in governing themselves.

Mr. LUCE. I think in many ways that when governments and when the citizens of the world have been concerned about repression and have spoken out against it that this has helped a great deal in terms of getting people released. For example, there has been a great deal of concern about what was going on in Greece and there has been a very large release of political prisoners there, and I think that one of the factors was the international cry of concern about imprisonment there.

In Vietnam there have been incidences where that international concern has been very important either in preventing people from being arrested or getting people released. For example, there are several Catholic priests in Vietnam who have been sentenced to several years imprisonment but have not been arrested.

Mr. RIEGLE. I worry very much about political repression as a worldwide disease that is evident in my own country. I think you have illustrated how we are fostering more of this in South Vietnam now than we have in the past. I would stop short of calling it a conspiracy of the tyrants but it is very much moving in the direction of the strong men on both ideological sides with the oppressors seem to be drawing strength from one another.

As I see democratic governments being snuffed out one after another—and looking back to 1960 and then coming forward and drawing a line through the democratic governments lost to military dictatorships it is alarming to see the shrinking number of people who are in favor of antipolitical repression. It seems to me we have fewer and fewer leaders in power who clearly are on that side of the argument. We have an increasing number, particularly in the superpower area, who seem to be very similar in the way they see these issues and who use heavy handedness and illegal or extra legal means to impose their own will. These things disturb me very much.

Mr. Chairman, I know we are under the time pressures of the vote underway.

Mr. LUCE. Could I ask also one other thing, to submit for the record this "Call of Conscience" which is a statement which has been signed by many distinguished Americans, including Coretta Scott King, Victor Reuther—

Mr. NIX. The statement without objection may be made part of the record.

Mr. LUCE. Thank you.

[The statement follows:]

A CALL OF CONSCIENCE—SEPTEMBER 16-23

We, the undersigned, wish to alert our fellow citizens to the situation of tens of thousands of persons held today in south Vietnamese prisons. These people

represent a wide spectrum of Vietnamese society. They are farmers, writers, lawyers, labor leaders, workers, students merchants and religious leaders. They are currently being held in prisons throughout south Viet Nam, many for the "crime" of opposing the Thieu regime. Peace cannot truly come to Viet Nam as long as they remain in captivity.

The provisions of the Paris Peace Agreement and Communiqué concerning prison inspection and negotiated release have been disregarded by the Saigon government. South Vietnamese government police continue to arrest, detain, interrogate and torture political opponents. We still open our newspapers to photographs of people unable to walk because of being shackled for long periods of time. Freed prisoners and reliable news correspondents document the inhumane treatment the political prisoners continue to endure. The United States government bears grave responsibility for the fate of these prisoners. It has funded the prisons and advised the police—and it continues to do so.

We ask the United States government to end its aid to Saigon's police and prison system. We urge an end to all aid to the Thieu administration by all countries. We appeal to President Nguyen Van Thieu to open the gates of all his prisons for international inspection. We urge the Saigon government to honor the spirit of the Paris Agreement and free its political prisoners.

We further appeal to all the people of the world to make September 23 an international day of concern and action for these prisoners, a culmination of a week's special efforts on their behalf. We especially urge you to discuss the situation of south Vietnamese political prisoners in your community—and to bring their plight before your government.

We must have the courage and persistence to speak on behalf of the prisoners since their voices are muffled, in jail.

Mr. NIX. I want to thank you very much, Mr. Luce. We heard the bells a moment ago which have advised us that we are required to be present on the floor of the House for a vote, after which we will come back and have the pleasure of hearing our last witness, Mr. Branfman.

At the moment the subcommittee will stand in recess.

[Whereupon, a short recess was taken.]

Mr. NIX. The subcommittee will come to order.

The next witness is Mr. Fred Branfman.

STATEMENT OF FRED BRANFMAN, INDOCHINA RESOURCE CENTER, WASHINGTON, D.C.

Mr. NIX. I understand that you have just returned from South Vietnam in August of 1973.

Mr. BRANFMAN. Yes, sir, 1 month ago.

Mr. NIX. You may proceed, sir.

Mr. BRANFMAN. Thank you.

I have a written statement which is rather lengthy and detailed which I would like to submit for the record.

Mr. NIX. Without objection it will be so ordered.

[The statement follows:]

STATEMENT OF FRED BRANFMAN, THE INDOCHINA RESOURCE CENTER, WASHINGTON, D.C.

SUMMARY

1. *Introduction.*—This testimony is primarily based on a recent 7-week visit to South Vietnam, from June 8–July 28, 1973.

2. *GVN attempts to avoid releasing its political prisoners.*—The GVN has stated that it will only release 3,500 more civilian detainees to the PRG. This will leave 10s of 1,000s, probably 100s of 1,000s, of political prisoners in jail. The GVN is attempting to hide this by re-classifying as common law criminals in blatant violation of the Paris Agreement.

3. *New political arrests in violation of the Paris Accord.*—Political arrests have continued since the ceasefire. They have even extended to groups, such as labor unions, which have not been touched since the Diem era.

4. *Nationwide surveillance.*—The political prisoner story begins with a nationwide police apparatus created to control, intimidate and spy on Vietnamese citizens.

5. *Arrest.*—Arrests are usually carried out by teams of police after midnight in the cities, or soldiers sweeping through rural hamlets. People are arbitrarily rounded-up without warrant or evidence.

6. *Interrogation.*—Political prisoners are subjected to brutal torture after arrest to force them to sign confessions prepared by the police. Some of the most common tortures are electric shock, the water torture, and beatings.

7. *Sentencing.*—Political prisoners are not proven guilty. A minority are sentenced by Military Field Courts which have been found illegal by the Vietnamese Supreme Court. A majority are sentenced by province-level Security Committees which neither listen to arguments presented by defendants nor lawyers.

8. *Imprisonment.*—Political prisoners are condemned to long years of imprisonment characterized by hunger, thirst, illness, beating and torture.

9. *Release.*—The release of political prisoners does not end their problems. They are forbidden employment, regularly harassed, and often re-arrested.

10. *GVN concealment.*—The GVN has ruthlessly closed off its prisons from the world outside. Claims that outsiders are allowed into prisons are outright lies. The GVN has denied access to organizations like the Red Cross and individual like Bishop Gumbleton of Detroit.

11. *Conclusion.*—Congress can act by going to investigate prisons, cutting military and police aid, and/or making U.S. aid conditional on the release of political prisoners and restoration of democratic freedoms.

Such action is an urgent American national interest to avoid more war in Vietnam and check the growth of Executive authoritarianism at home.

It is above all an urgent human imperative. There may be as many political prisoners in South Vietnam as in the rest of the world combined. Their treatment is a human crisis transcending politics, ideology and race.

My name is Fred Branfman. I am presently Co-Director of the Indochina Resource Center, in Washington, D.C. I have been directly involved with Indochina for the last 6 years, as a U.S. government-funded educational adviser and freelance writer in Laos 1967-71 and doing non-profit research in Washington, D.C. from 1971 until now.

I have been researching South Vietnamese political prisoners for the past 6 months, studying the available literature and interviewing informed sources in Paris, Bangkok, Singapore, Washington and at Amnesty International in London.

The bulk of my testimony today, however, will be based on a 7 week visit to South Vietnam from June 8 to July 28 of this year. During this period I interviewed over 80 people, including 4 current and 16 former political prisoners, 16 relatives of political prisoners, 7 deputies, Senators, lawyers and judges, and many Vietnamese and foreign students of the political prisoner question.

I will give an overview of what I found, from the period before arrest to arrest to interrogation to sentencing to imprisonment to the release of political prisoners. I will also discuss attempts by the Government of the Republic of Vietnam (GVN) to avoid releasing political prisoners, new arrests, and concealment of the prison situation from the world outside.

This presentation today is drawn from 1,800 pages of handwritten notes and over 1,000 pages of documents collected in Saigon. It is corroborated by documentation totalling several thousands pages from dozens of foreign observers and several hundred Vietnamese. A list of many of these people and written documentation available from our office will be submitted for the printed record of these hearings.

GVN ATTEMPTS TO AVOID RELEASE OF ITS POLITICAL PRISONERS

The GVN is clearly attempting to avoid the release of the vast majority of its political prisoners, in clear violation of the Paris Accord.

Independent estimates of the number of political prisoners vary from 40,000 to 200,000. While in Saigon, I was given a prison by prison breakdown totalling 202,000 political prisoners prepared by the Committee to Reform the Prison System. The Committee, led by the Catholic Father Chan Tin, is made up of leading Saigon intellectuals and students. Its estimates are based on interviews with former prisoners, relatives who visit prisoners, sources within the prisons,

and official documents. Many other Saigon leaders, such as the Deputy Ho Ngoc Nhuan, also use a figure of 200,000. I personally found it to be the best source.

Amnesty International, a London-based research group on political prisoners, estimates 100,000. Journalists in Saigon tend to estimate between 40,000 and 60,000.

Whatever the actual overall figure, however, it is clear that the GVN intends to release but a small percentage. Its official position since the ceasefire has been that it only holds 5,081 civilian detainees to be turned over to the Provisional Revolutionary Government (PRG). It has already released 1,500 or so, leaving about 3,500 still to be released. Its position is that all prisoners besides these 3,500 are common-law criminals who are not covered by the Paris Accords.

By all independent estimates, the GVN thus intends to hold tens of thousands, probably hundreds of thousands, of its political prisoners.

These prisoners come from a wide variety of occupational backgrounds. Current political prisoners whose relatives and friends I interviewed, for example, fell into the following job categories: high school or college student, writer, bank employee, electric or railroad worker, civil servant, Buddhist or Cao Dai monk, teacher, soldier, accountant and lawyer. Working in Saigon, I did not have the opportunity to interview relatives or friends of peasants. All ex-political prisoners I spoke with, however, stated that the majority of the prison population comes from the peasant class.

It appeared clear that the prisoners I learned about were entitled to release in GVN areas under the Paris Accords. All had grown-up in GVN territory. Most had been active in demonstrations for peace or against President Thieu's one-man election. In a number of cases I was shown official GVN documents listing their prison number followed by "MTCT" signifying that they were political prisoners. All had denied membership in the PRG and demanded to be returned to their families. All had been sentenced by either a military court or security committee, the two bodies which judge civilians accused of political offenses. Many had been accused of such offenses as "weakening the spirit of the army and people", clearly a political charge.

The main device used by the GVN to justify holding political prisoners has been re-classification. This has been an attempt to change their status to that of common-law criminals, a category of prisoner whose release is not covered by the Paris Accords.

Re-classification began before the ceasefire and has continued since. It has been reported in letters from prisoners smuggled out of all the prisons. Four women whom I talked to in a prison hospital ward, for example, told me that the Military Field Court had come to Tan Hiep prison shortly before the ceasefire and carried out mass re-classifications of political prisoners. The U.S. Embassy in Saigon confirmed this practice to Senator Kennedy in a letter dated April 3, 1973.

In actual fact, common-law criminals are supposed to be sentenced by civil courts according to the South Vietnamese constitution. Common-law criminals comprised a tiny portion of the prison population before the ceasefire, according to a judge, several lawyers, and ex-prisoners I interviewed.

This widespread re-classification is proof in and of itself that the GVN is holding large numbers of political prisoners in violation of the Paris Agreement. Any PRG member who had not been held on common-law charges at the time of arrest is clearly entitled to release as a "civilian detainee" as defined in Article 8c. Any non-PRG member not held on common-law charges at time of arrest is just as clearly entitled to release under Article 11 which guarantees freedom of political action to all Vietnamese.

NEW POLITICAL ARRESTS IN VIOLATION OF THE PARIS ACCORD

While in Saigon I learned that the political prisoner problem has actually been increasing since the Paris Accords. Not only has the GVN steadily continued to arrest people on political grounds, but it has even begun arresting members of groups which had not been touched since 1965.

During my stay in Saigon I could only discover two groups which had not undergone political arrests before the ceasefire: labor leaders and Catholic priest. Three months after the ceasefire, however, the GVN arrested 4 labor union leaders: Messrs. Nguyen Thua Nghiep, Dang Tan Si, Nguyen Van Cung, and Pham Van Hi. I learned in June from released prisoners that Mr. Pham

Van Hi had been tortured to death in prison. This was later confirmed by the *New York Times* on September 4, which also reported that the other men had been sentenced to 18 months by a military court.

The trial of these men illustrates that the GVN continues to arrest on political grounds, but now sentences on common-law grounds to avoid complying with the Paris Agreements. During the trial Messrs. Nghiep, Si and Cung were charged with participating in a Communist plot to subvert the Saigon labor movement. But they were charged with "acting as accomplices to wrong-doers", a common-law offense.

I was also given a list of 33 University students arrested after the ceasefire. All had been candidates on slates for University elections opposing pro-GVN student slates. Interviewing University professors and relatives of some of the arrested students, I found that they had been moderates who had not been involved in student politics before.

These arrests of labor union leaders and moderate students were taken quite seriously by Deputies and Senators interviewed. They felt that these arrests meant that the GVN was committed to an ever-widening circle of political arrest for the indefinite future.

NATIONWIDE SURVEILLANCE

The story of political prisoners begins with the nationwide surveillance to which all South Vietnamese are subjected today. I learned in Saigon that all Vietnamese over the age of 15 are required to carry ID cards on pain of imprisonment. These cards are linked to a central computer containing bio-dossiers of more than ten million Vietnamese. Every family is required to keep a "Brown Book" listing all people staying in the house. Surveillance is carried out by 120,000 uniformed and plain-clothed political police, as well as tens of thousands of part-time informers who spy on friends, neighbors and fellow employees.

I regularly saw uniformed police on every street corner waving down passers-by to check their ID cards. When visiting non-communist lawyer Tran Ngoc Lieng, I saw two plain-clothed police perched on Hondas in front of his home. He told me they follow him about Saigon on his daily rounds. A Catholic University professor reported that he has several dozen students in his class who have been required to report on him or be forced into the army. A 16-year-old textile worker described his amazement when arrested to find that the police had compiled a dossier on him dating back to when he was 14. A labor union leader described being called into the police and shown photographs which had been secretly taken of him while he had been visiting families of political prisoners.

I encountered this surveillance apparatus first-hand one night as I lay sleeping two hours after the midnight curfew. I was suddenly awakened by a loud banging on my door, the ringing of my doorbell, a flashlight shining in my eyes and a voice shouting "Police. Police. Open Up." When I opened the door, two policemen marched in without a warrant or explanations. As one checked my closet, bathroom and rifled through my papers, the other demanded my ID. After they left my room, they continued on from room to room throughout the large apartment house where I was staying.

Talking with long-time foreign residents and Vietnamese I found out that this is a typical early-morning occurrence for the Vietnamese. Every night after curfew thousands of police fan out through the cities and hamlets of Vietnam conducting similar raids.

ARRESTS

36 prisoners and relatives of prisoners reported that arrests can take place anywhere. At school, the market, work. People had been snatched off Hondas, picked up strolling down the street.

Most arrests, however, were at night after curfew. Over 20 people described the same general pattern: 20 or 30 police entered their homes in the early-morning hours. After searching the house thoroughly, they arrested one or more family members. 4 police remained behind, staying in shifts for periods ranging from 2 weeks to 2 months in one case.

The police refused in all cases to tell the families what had happened to the family member who had been arrested. In some cases they finally found out from

released prisoners or by receiving letters, usually after 6 months to a year. In other cases, they have never found out.

The mother of 18 year old student Nguyen Phuoc Quynh Tien, for example, last received news of her son three days after his arrest on January 14, 1969. She has had no news of his whereabouts since. Although she knows he was arrested, police deny all knowledge of him.

Reasons for arrest vary widely. Mrs. Pham Van Hi was the only wife of the arrested labor leaders to be imprisoned. Friends assume it was because her husband had been murdered and did not want her to protest it. The 16 year old textile worker mentioned above was told he had been arrested because of an anti-American poem which had appeared in a magazine he edited. Father Minh, a Catholic priest, believes that his father, an accountant, was arrested in retaliation against Father Minh's activities for peace.

In most cases, however, it is peasants who are arrested during mass sweeps. Father Tran Van Thong, Catholic chaplain of Chi Hoa and a firm supporter of the GVN, told me that most of the political prisoners at Chi Hoa had simply been hapless victims in mass sweeps through their villages. A former Phoenix adviser, and U.S. Army officer, told me that U.S. officials had set monthly quotas for arrest and assassination by district during his Phoenix service in 1969. He believed that most prisoners were taken indiscriminately by Vietnamese officials trying to meet their monthly quotas. This point was also repeatedly made by former political prisoners.

INTERROGATION

All prisoners interviewed said that after being arrested they were taken to an interrogation center. Kept there on an average of two months, all reported that during this period they had no contact with the outside world. They were not allowed to contact lawyers, relatives or friends. All were kept in dark, airless isolation cells for a portion of their interrogation.

All prisoners reported that they had been repeatedly tortured during the interrogation period. The most frequent of the many tortures described were:

(1) The electric torture, where they said they were given electric shocks to the ears, limbs or genitals. All said that these electrical shocks had affected their nervous system and hearts. Visitors and doctors at Quang Ngai hospital report that prisoners in the prison hospital ward frequently have prolonged seizures where they relive the experience of being tortured with electricity. This was not the case among the people I interviewed, however.

(2) The water torture, in which water would be poured down the throat, inducing a sensation of drowning. The interrogator would then jump on the stomach, forcing the water out through the mouth and nose, producing a feeling of drowning.

(3) Various forms of beatings. Prisoners would be beaten with clubs, kicks or rubber truncheons while lying prone, tied to a chair, or suspended from the wall with arms tied behind backs.

In addition, women interviewed described being stripped naked by interrogators and being subjected to various sexual indignities.

In general, torture sessions would last for several hours—though in some cases they might go on for a day or longer. They would be interspersed with meetings with police who would demand that the suspect admit working for the NLF, and accuse friends, acquaintances or relatives of doing so.

In every case the torture period was ended by the prisoner signing a confession prepared by the police. The suspect would also be forced to sign a statement saying that he or she had not been tortured.

Amnesty International has written in a recent report on political prisoners in South Vietnam: "Torture during interrogation, or as a disciplinary measure within prisons, is no longer even motivated by a desire to gather 'intelligence' . . . torture is widely used as an instrument of intimidation but as an end in itself . . . in many instances torture has become no more or less than a matter of habit."

This statement was borne out by many of the prisoners I interviewed. Mr. Tran Van Hien, for example, was a blind ex-prisoner when he was re-arrested on May 14, 1972. Even though blind, he was tied to a chair, beaten and tortured with electricity repeatedly. During questioning periods police constantly demanded that he admit to both working for the NLF and a non-communist group called the Students' Committee For the Right To Life. He at first refused to admit membership in the NLF, pointing out that he was blind. He also denied being a

part of the Students' Committee. Finally, though, he says he could not withstand the torture any more and was willing to sign anything the police put in front of him. When it came time for him to sign he says that they did not bother to accuse him of being a member of the Students' Committee after all.

Mr. Hien says he saw a sign on the wall of his interrogation chamber during his first arrest which read: "If you are not guilty, we torture you so that you admit guilt; if you are guilty, we torture you so that you do not commit your crime again."

All ex-prisoners stressed that torture was a matter of course. It often was not accompanied by specific demands until the end.

SENTENCING

I was particularly interested in the legal process during my stay. In addition to interviewing political prisoners, I also talked to a great many lawyers, a judge and attended a trial.

Article 7.4 of the Constitution states that "No citizen can be tortured, threatened or forced to confess." Article 7.6 holds that "A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation."

All prisoners stated that they had been tortured and denied the presence of a lawyer during the interrogation period. All lawyers interviewed stated they had never been allowed by the government to assist clients during the preliminary interrogation period. All showed me letters written to the Minister of the Interior asking the whereabouts of a political prisoner during interrogation periods. None had ever been answered.

Political prisoners are sentenced either by Security Committees or Military Field Courts.

The Military Field Court is a special court of 5 military officers appointed by president Thieu. It is empowered to sentence people to as long as life in prison. A substantial number of political prisoners have been tried by the Military Field Court, though less than those sentenced by the Security Committee.

The Military Field Court was found illegal by the South Vietnamese Supreme Court on May 5, 1970. The Supreme Court ruled that the Military Field Court denied defendants due process of law and access to lawyers during the interrogation period and thereby violated Article 77 and article 7, paragraph 6 of the Constitution.

Despite this ruling the Military Field Courts have continued functioning up until the present day.

On July 3, 1973, I attended a session of the Military Field Court. Although no political prisoners were sentenced that particular day, the process was the same for them as the military defendants I witnessed.

The court disposed of some 20 defendants that morning. Each was brought before the judge and interrogated on his written confession for 5 minutes or so. Then the prosecutor took over, screaming at the defendant if he did not admit to all charges in his confession before the court. This would also take about 5 minutes. A young public defender just out of law school would then step up and beg the mercy of the court for his defendant. The entire process took about 10-15 minutes per defendant. At the end of the morning the judges retired to their chambers and returned after a short period to read off the sentences for all 20 defendants.

No evidence was presented, for or against. There were no witnesses, no cross-examination.

I could only discover one case where political prisoners were found innocent by the Military Field Court. This was on November 18, 1972, when the Saigon Military Field Court found 4 young members of the Young Catholic Workers innocent and ordered them acquitted. Despite this, the young men were not released. They were detained by the Security Committee, and later sent to Con Son Island on December 26, 1972.

The province and urban Security Committees are quite separate from the Military Field Courts and civil courts. They are, in fact, not courts but administrative bodies. Made up of representatives of the police, military, province chief and public prosecutor, they are empowered to imprison anyone for up to "two years, renewable."

I interviewed a judge and former deputy, both of whom had attended Security Committee meetings. They told me that the Security Committee meets every

few weeks. At its meetings, the police chief will usually read off the accusations for several dozen people, recommending a sentence for each. The other members perfunctorily agree, rarely asking questions or attempting to determine the evidence against the accused. Defendants are almost never brought before a Security Committee nor is a lawyer present to represent him.

About half the ex-prisoners I interviewed had been detained by the Security Committees. In most cases they had only found this out months or even years after the hearing had taken place. In some cases they did not find out until after being released from prison.

The Phoenix program, under Ambassador William Colby, used the Security Committees as the main organs for imprisoning people swept up by Phoenix. As a result, the Security Committees are probably responsible for the sentencing of most political prisoners in jail in South Vietnam today.

Testifying before the House in July, 1971, Ambassador Colby admitted to Congressman Ogden Reid that defendants have no right to counsel when being sentenced by the Security Committee. He also stated that the Security Committee is "an administrative proceeding, not a trial . . . As I said, I do not think they meet the standards I would like to see applied to Americans today."

People sentenced by the Security Committees are often known as An Tri detainees. The U.S. Embassy stated in a letter to Senator Kennedy on April 3, 1973, that "the procedural safeguards (in Security Committees) are somewhat less than those which obtain in the military courts. On the other hand, the penalties imposed are generally less severe. An Tri detainees need not be accused of committing a specific criminal act . . ."

To sum up, it may well be possible that no political prisoner has ever been proven guilty according to due process of law as established by the South Vietnamese constitution or minimum international standards.

IMPRISONMENT

The political prisoner is jailed as soon as the interrogation period has ended. Most of the ex-prisoners I interviewed were in jail for periods ranging from a few months to a year or two before being sentenced.

All prisoners interviewed stated that they were denied adequate food, water and medical treatment. They were generally fed only a few hundred grams of poor quality rice a day, and given a small amount of water to drink. Disease was frequent, and many prisoners died as a result of being refused adequate medical care.

All prisoners interviewed stated that they protested such conditions regularly. Protests were all non-violent, and usually consisted of hunger strikes or loud calling out.

Most protests took place in response to an unusual event. Since the ceasefire, for example, prisoners have protested the death of inmates due to torture, beatings and/or lack of medical care; the disappearance of political prisoners from their cells; the attempt by authorities to break up cells with groups of political prisoners who have lived together for years; forced fingerprinting and reclassification.

Ex-prisoners described a wide variety of what they called "repressions" or punishments. Sometimes these punishments were in response to protests, sometimes they happened spontaneously in response to minor events such as a few prisoners for refusing to salute the GVN flag setting off a chain reaction.

Some of the most frequently mentioned punishments were:

(1) Shackling in cells, for periods up to 9 years in the case of one man I interviewed. Several people I met had been shackled to iron rods, in the "Tiger Cages" at Con Son, including one man whose legs had atrophied and were paralyzed completely. Shackling does not occur only in the "Tiger Cages" or on Con Son island, however. It is a common form of punishment.

(2) Beatings administered by common-law criminals. These criminals received favored treatment from guards in return for beating political prisoners with rubber truncheons and clubs. Prisoners were usually defenseless when such beatings were administered, either being tied down or too weakened from hunger to resist. Beatings were often given to whole cells at a time, and the wounded then left to lay for days afterward without medical care.

(3) Firing of tear gas shells, throwing of lime into cells. These would be carried out by prison guards or military police. Once again, political prisoners were left to choke from the gas or burn from the lime without medical care or water after such punishments.

In addition to these punishments, tortures such as the electric shock and water tortures described above were also meted out regularly to political prisoners while in prison. Such torture was usually carried out as a punishment, though in some cases since the ceasefire it has been meant to force certain prisoners to change their confessions.

Father Chan Tin described to me a rather typical example of prison punishment. On or about December 1972, prison authorities at Chi Hoa began removing political prisoners from cells, attempting to break up close groups of people. Students protested. Combat police were brought in who forcibly transported a few dozen students to a dark room. There their clothes were removed and they were shackled by chains so they could not move their arms or legs. Bitten by mosquitoes, given rice with sand in it and water in buckets used for defecation, they were forced to lie on a sand floor which irritated their skin for more than three weeks. They were not allowed to bathe during this period.

A Doctoral thesis submitted at Hue University describes the following medical problems among prisoners at Con Son: beri beri, "black leg" disease, exhaustion, broken bones, paralysis, convulsions, stomach ulcer, worms, malaria, amoebic and bacterial dysentery, typhoid and tuberculosis.

The 16 ex-political prisoners I interviewed, who had been in all of South Vietnam's major jails, all said that their health had been permanently damaged by their stay in prison. The most common ailments mentioned were tuberculosis, damage to the nervous system and heart caused by electric shocks, permanent damage to limbs, and malnutrition.

All stated that damage to their health was due to deliberate mistreatment by prison authorities. They described their stay in prison as one of constant hunger, thirst, and illness, repeatedly punctuated by beatings and torture.

The problems encountered by political prisoners do not end with their release from prison. All ex-prisoners interviewed reported that they were unable to find employment, forced to report to the police regularly, and harassed and surveilled by police agents.

The offices of the Young Catholic Workers, inhabited by 4 members who had been released from Con Son in May, 1973, were broken into one night in July 1973. Former students reported that they were not allowed to begin their studies again at the university, former teachers said no one would hire them. Several ex-political prisoners had not been re-issued the all important ID card without which it was dangerous to leave their homes.

Three political prisoners who had been released from Con Son in February 1973 all told me that police had forbidden them to return to their home areas or talk with American journalists. All said they expected to be re-arrested.

This did in fact happen to several other Con Son inmates who talked with the Catholic Bishop Thomas Gumbleton in April 1973. As soon as Bishop Gumbleton left South Vietnam, they were picked up and placed under preventive detention.

Knowledgeable foreign observers told me that it is most difficult for former political prisoners who are peasants. Life after prison is almost as bad as in jail. Police chiefs kept released prisoners under constant surveillance, their movement was curtailed, fellow villagers were afraid to hire or become friendly with them for fear of attracting suspicion, and they were often prevented from returning to their home villages. Several reports of suicides committed by released political prisoners came to me.

GVN CONCEALMENT

GVN attempts to conceal the political prisoner situation is one of the most serious aspects of the issue.

President Thieu told the American people on April 3, 1973, that "anyone" was free to visit the prisons. In a White Paper issued in early July, the GVN stated that: "Periodically . . . the International Red Cross send(s) inspection teams which visit the centers and subsequently submit reports about their respective conditions."

In Saigon I found that such statements were absolutely untrue. In fact, the GVN was pursuing a deliberate policy of saying publicly its prisons were open while in reality keeping them closed.

Red Cross officials told me they had unilaterally suspended visits to prisons since March 1972, because they were not given freedom of access to and conversation with political prisoners in private. I was given a Red Cross press

release stated that ". . . Because of the restrictions imposed by the Government of Saigon to the visit of its delegates in the places of civilian detention, notably the refusal to allow discussions with detainees without witnesses, (the Red Cross) decided in March 1972 to suspend these visits." Red Cross officials also mentioned that even before March 1972, they were not given unrestricted access to political prisoners as their rules demand. Their last visit to Con Son island was in January 1969, and was restricted to military prisoners.

Numerous journalists told me they had requested to visit specific prisons and had been refused by the GVN. Throughout my stay in Saigon the GVN kept setting new dates for a proposed press visit to Con Son. Continually delayed, it has not yet taken place.

Committee To Reform the Prison System members were most distressed at indications that the GVN was attempting to falsify Con Son's image for the foreign press. They noted reports, for example, that paralyzed prisoners from the Tiger Cages were being transferred to other prisons on the mainland during July. "We had always hoped that the people of Vietnam and the world would one day see for themselves the full truth of Con Son," one member told me. "We hope they will not be deceived by a staged visit to impress the journalists," he added sadly.

Red Cross officials told me that they regard the following conditions as appropriate for one of their visits to a prison:

- (1) Freedom to go throughout the prison, interview the prisoners at random
- (2) Freedom to talk with the prisoners selected in private, out of the presence of prison authorities, using an independent interpreter selected by the Red Cross

(3) The ability to pay repeated visits to the prison in question, ideally on a regular basis.

It is clear that unless these conditions are carried out, particularly the first two, any visit by the press or other outside observers will be hampered in its quest for the truth.

I also discovered that since the ceasefire the following groups or individuals had formally requested and been denied permission to visit the prisons: A staff team of the U.S. Senate Subcommittee on Refugees, Bishop Thomas Gumbleton of Detroit, Bishop Guy Belanger of Canada, Professor George Lebel of Quebec University Law School, a group of Buddhist monks representing the An Quang pagoda, and members of a Vietnamese Senate Committee delegated to deal with prisoner affairs.

CONCLUSION

The U.S. Congress is seen in Saigon as the hope for the release of political prisoners.

The Nixon Administration, all sources felt, was clearly committed to continuing the impose of the Thieu government upon the people of South Vietnam. The fact that 90% of Administration Aid proposals are for military and police aid, that police funding continued under such guises as Public Works, and that U.S. Embassy officials deny prisoner mistreatment, were all regarded as evidence that the Administration also does not intend to push for prisoner release. People also frequently mentioned the fact that while U.S. representatives on the Four Party Joint Military Commission in Saigon frequently raise the issue of U.S. Missing in Action, they have never spoken out about South Vietnamese political prisoners.

Indeed, many people stressed that it was the Nixon Administration which had pushed the police effort and developed it enormously since 1969. The GVN, all also agreed, was of course committed to continuing new political arrests.

Congress, it was felt, could realistically do three things on political prisoners:

(1) It could immediately send a delegation to visit Saigon prisons, interview prisoners in private chosen at random, with independent interpreters. GVN refusal to permit such a trip would raise the most serious of questions about its treatment of political prisoners. Acceptance of such a visit would help settle claims and counter-claims once and for all.

(2) Congress could cut military and police aid, maintain or increase the present minuscule funding for humanitarian programs. Congressional staff personnel could be sent to ensure that money was not taken from humanitarian programs to replace cuts in military or police aid.

(3) Congress could allocate aid to the GVN, but make it conditional upon the release of political prisoners and restoration of freedoms of the press, vote, assembly.

Many Vietnamese I talked with felt that the above Congressional alternatives were too mild. Most politically prominent Third Force personalities I talked with favored an immediate halt in all aid to the present GVN. They basically argued that the long term gains to Vietnam by producing peace would outweigh any short-term difficulties such action might cause.

None of the Vietnamese I talked with felt that Congressional action on behalf of the political prisoners would be "meddling in the internal affairs" of South Vietnam. They stressed that Congress was already massively interfering by supplying 90% of President Thieu's budget and paying for a million-man army, 120,000 strong police force, and 600 admitted prisons. They argued that Congressional action to promote freedom in South Vietnam would permit the Vietnamese to exercise their right to self-determination. This would, by definition make them more independent from present U.S. "meddling".

I personally agree with such arguments. I also agree with those Vietnamese who urge an immediate end to all aid to the Thieu government.

Failing this, I cannot convey strongly enough my belief that Congress must at least take the more moderate steps of sending a delegation to investigate the GVN's prisons, cut military and police aid, and make any aid allocated to the GVN conditional on its release of political prisoners and restoration of basic democratic freedoms.

It is not only that such Congressional action is an urgent necessity for Vietnam. It is also that such steps are an urgent American national interest.

There is a general consensus in this country today that our major interest in Vietnam is military disengagement. I have found no one who believes that we should continue spending billions annually to support a military dictatorship in South Vietnam geared only for war.

And yet this is precisely what we are doing.

The present Administration aid request does not only mean that \$2 billion in badly needed domestic funds will go to South Vietnam *this year*. For these funds will not make refugees and war-victims self-sufficient, they will not rebuild South Vietnam's economy. They will feed a self-perpetuating military machine which will need \$2 billion to survive *next year*. And the year after that.

And where will it end? All sources interviewed in South Vietnam felt that the GVN refusal to allow its opponents to compete politically would ensure that they would do so militarily. The release of the political prisoners, freedom of the press, free elections could, it was felt, lead to a political solution. No one knew for sure. Everyone agreed, however, that the present situation was leading to more war, not less.

We are back to 1964. Congress can fund war, masked as economic aid, and watch our military involvement grow. It can, for example, passively pass aid requests and wait in what may be a vain hope that two or three years from now the Executive will not present it with a request for renewed U.S. bombing in the wake of a military threat to the GVN.

Or Congress can learn from the history of the past 20 years in Vietnam. It can finally realize that funding war only produces more war. It can turn to funding peace, act for the release of political prisoners, and finally see true disengagement from Vietnam.

Congress can serve an even deeper American interest, moreover, in acting for the release of political prisoners.

Anyone who goes to Saigon today must ask him or herself: What kind of mentality could produce this nationwide police apparatus, this attempt to control and surveille 18 million people?

The answer is clear. And unsettling. It is a mentality which regards people as objects, objects to be watched, traced, controlled. It is a mentality which arrogates to itself the right to arbitrarily remove anyone it judges a threat from the general population. It is a mentality which uses the language of freedom in public even as it sets monthly kill quotas in private.

And it is a mentality which grows daily, as the Executive branches of today's superpowers turn increasingly to methods of police control abroad and at home. You see it in the Soviet Union and Czechoslovakia. You see it in Thailand and the Philippines. And you see it at the Watergate.

You see it in U.S. Public Safety documents detailing plans to issue ID cards linked to central computers to 10 million adults in Vietnam. And you see it in the wiretapping of high officials and private citizens in the United States. You see it in U.S. Phoenix directives ordering detention without trial in Vietnam.

And you see it in Presidential memos ordering illegal entry into private homes in this nation.

For years now many Americans have ignored the lack of democracy in Vietnam in the belief that it would not affect their own lives. Today we see the mentality which planned Phoenix assassinations and built the prisons in South Vietnam firmly in control of the highest Executive agencies of this nation. Let us not delude ourselves any longer that we can destroy freedom in Vietnam and yet build it here at home. Let us see that the release of South Vietnamese political prisoners is inextricably linked to the preservation of our own liberty.

The release of Vietnamese political prisoners is not only an urgent political necessity, however.

It is above all one of the great *human* imperatives of our time, a human crisis transcending politics, ideology and race.

Available statistics are a measure of this human drama. Amnesty International estimates that there are 100,000 political prisoners in South Vietnam. This is three times its 31,000 estimate for the Soviet Union, Brazil, Turkey, Spain, Ceylon, Portugal, Angola, Mozambique, Czechoslovakia, East Germany and South Africa combined. If the United States followed the same policy at home as it does in South Vietnam, there would be over one million Americans in jail for their political beliefs today.

Such statistics, however, provide but a faint reflection of the human realities of life in South Vietnam today.

How is one to measure the feelings of countless mothers who have had their sons or daughters taken in the middle of the night, never to see them again? What numbers can convey the sentiments of tens of thousands of human beings caught up in endless twilight world of beatings, electric shock, rape, shackling, tear-gassing, hunger, thirst and illness? Is there a scale to weigh the desperation felt by millions of other Vietnamese who do not dare speak openly or trust neighbors for fear of being hauled away in the dead of night?

I do not know. I know only that one must grope back to the darkest memories of this century to recall a time of similar mass round-ups of men, women and children, midnight arrests by uniformed police, and brutalization of unarmed civilians for their political beliefs.

And I know it must be stopped.

The Committee to Reform the Prison System has issued a call to world conscience in these words:

"Forty years ago did not great western writers, religious leaders, and jurists raise their voices to denounce Franco's treatment of Republican prisoners? Were not voices raised more recently to plead the cause of prisoners held by the authoritarian regimes of Greece and Brazil?"

"When will a voice like that of Dom Helder Camarra rise up in the name of the students, peasants, monks, trade unionists, peace activists, journalists, professors and workers, indiscriminately imprisoned throughout South Vietnam?"

Mr. BRANEMAN. I will now proceed to summarize it orally if I could.

Mr. NIX. Very well.

Mr. BRANEMAN. I have been doing a lot of research on South Vietnamese political prisoners for the last 6 months but the bulk of my testimony today will be based on a 7-week visit to South Vietnam from June 8 to July 28 of this year. During this period I interviewed over 80 people, including 4 current and 16 former political prisoners, 16 relatives of political prisoners, seven deputies, Senators, lawyers and judges, and many Vietnamese and foreign students of the political prisoner situation.

The subcommittee has heard testimony this afternoon on three aspects of my testimony. One is the question of reclassification, the attempt by the Government of Vietnam to hold political prisoners, not release them. I might just add orally here that I received a letter this morning from Saigon from a source very close to Madam Ngo Ba Thanh and she reports that she is still being held in a hospital in Saigon and that the GVN officials again insist that she is being held on common law charges.

Now this is the forth time that she has been switched. First she was arrested for political reasons and then she was a common law criminal and then they said she was a Communist criminal and now they are saying she is a common law criminal again.

This kind of reclassification is evidence in and of itself that the GVN does not intend to release its political prisoners. Obviously anyone who was not arrested on common law charges before the cease-fire deserves to be released. PRG people deserve to be released under article 8c and non-PRG released under article 11 of the Paris accords. Attempting to reclassify them is clearly an attempt to avoid this responsibility.

Mr. NIX. You have used certain initials in your reference to different people. Will you explain the meaning of the initials?

Mr. BRANFMAN. GVN refers to the Government of Vietnam, the Government of the Republic of Vietnam. This is the Thieu Government that we are supporting. Those are the initials I used. Excuse me.

The second topic which has been referred to this morning is the new arrests that have taken place since the cease-fire. I might add here that one of the most unfortunate aspects of these new arrests is that they have extended to groups which were not touched before the cease-fire. The most blatant and important example of this is the arrest of labor union leaders. These are people who had not been touched since 1965. In April 1973, however, 3 months after the Paris accords the GVN arrested four labor union leaders. I learned in June from released prisoners that Mr. Pham Van Hi had been tortured to death in prison. This was later confirmed by the New York Times on September 4 which also reported that the other men had been sentenced to 18 months by a military court.

The arrests of these labor union leaders, moderate students and other moderate people were taken quite seriously by Deputies and Senators I interviewed. They felt that these arrests not only meant that the GVN was going to keep its political prisoners but that it was committed to an everwidening circle of political arrests for the indefinite future.

What I was most interested in in South Vietnam though was trying to understand the process by which political prisoners are not only arrested but what happens to them afterwards and what happens to them before. I would like now to describe some of what I have found about this kind of system we have left behind in South Vietnam and as I do so I think one can ask the kind of question that I was asking myself while I was there: What kind of mentality could create this kind of system? What does it tell us about not only about Mr. Thieu, but our own leaders? About what 2 million Americans were sent to Vietnam to fight and die for.

The story of political prisoners begins with the nationwide surveillance to which all South Vietnamese are subjected to today. I regularly saw uniformed police on every street waving down passersby to check their ID cards. All Vietnamese are required to carry these ID cards under pain of imprisonment, and these ID cards are linked to a central computer.

Mr. NIX. May I interrupt. I have a vote on the floor of the House. I will be back in just a few moments. I apologize for the inconvenience.

[Whereupon, a short recess was taken.]

Mr. NIX. The subcommittee will be in order.

You may continue, Mr. Branfman.

MR. BRANFMAN. Thank you.

I was describing the system of having all Vietnamese required to carry ID cards and having these ID cards linked to a central computer with at least 11.5 million biodossiers on these Vietnamese.

Another aspect is the practice of spying, following non-Communist opposition leaders such as lawyer Tran Ngoc Lieng whom I visited while I was in Saigon and saw two plainclothes police perched on Hondas in front of his home. He told me they follow him about Saigon on his daily rounds, and many other people told me the same thing. There is a nationwide network of informers, spies, part-time people paid by the police to report on neighbors, friends, associates.

A Catholic University professor, for example, told me that he has several dozen students in his class who have been required to report on him to the police or be forced into the Army. A 16-year-old textile worker described his amazement when arrested to find that the police had compiled a dossier on him dating back to when he was 14.

I personally encountered this surveillance apparatus firsthand one night as I lay sleeping 2 hours after the midnight curfew. There is a requirement everyone has to be in bed by midnight. I was. I was suddenly awakened by a loud banging on my door, the ringing of my doorbell, a flashlight shining in my eyes and a voice shouting, "police. Open up. Open up." I got up and opened the door. Two police marched in. No apologies, no warrant. As one of them looked under my bed, checked the closet and bathroom, and rifled through my papers the other one came over and asked for my ID card. Afterward they were satisfied and they marched out and went on to the next room and continued on from room to room throughout the apartment house where I was staying.

Talking with long-time foreign residents and Vietnamese I found out that this is a typical early morning occurrence for the Vietnamese. Every night after curfew thousands of police fan out through the cities and hamlets of Vietnam conducting similar no knock raids against the Vietnamese.

The next step in the process is the arrest procedure. Thirty-six prisoners and relatives of prisoners reported that arrests can take place anywhere—in school, the market, work. People have been snatched off Hondas, picked up strolling down the street.

Most arrests, however, were at night after curfew. The police refused in all cases to tell the families what had happened to the family member who had been arrested. In some cases they finally found out from a released prisoner, in other cases they have never found out.

Reasons for arrests vary widely. Mrs. Pham Van Hi was the only wife of the arrested labor leaders to be imprisoned. Friends assumed it was because her husband had been murdered and they did not want her to protest it. The 16 year old textile worker who I interviewed told me he had been arrested because of an anti-American poem which had appeared in a magazine he had edited. Father Minh, a Catholic priest, believes that his father, an accountant, was arrested in retaliation against Father Minh's activities for peace.

In most cases, however, it is peasants who are arrested during mass sweeps. Father Tran Van Thong, Catholic chaplain of Chi Hoa and

a firm supporter of the GVN, told me that most of the political prisoners at Chi Hoa had simply been hapless victims in mass sweeps through their villages. A former Phoenix adviser, and U.S. Army officer, told me that U.S. officials had set monthly quotas for arrest and assassination by district during his Phoenix service in 1969. He believed that most prisoners were taken indiscriminately by Vietnamese officials trying to meet their monthly quotas. This point was also repeatedly made by former political prisoners.

After the political prisoner is arrested he or she is subjected to interrogation. This is where most of the torture reports that flowed out of Saigon constantly take place during this interrogation. The most commonly mentioned tortures from the former prisoners I interviewed were:

The electric torture where people are given electric shocks to the ears, limbs or genitals.

The water torture in which water would be poured down the throat, inducing a sensation of drowning. The interrogator would then jump on the stomach, forcing the water out through the mouth and nose, producing a feeling of drowning.

Then there were various forms of beatings.

In addition, women interviewed described being stripped naked by interrogators and being subjected to various sexual indignities.

In general, torture sessions would last for several hours, though in some cases they might go on for a day or longer. They would be interspersed with meetings with police who would demand that the suspect admit working for the NLF and accuse friends, acquaintances or relatives of doing so.

On an average, most of the people I interviewed had been kept in the interrogation centers for about 2 months. They all stressed that torture was a matter of course. It was often not accompanied by specific demand until the end when they were asked to sign confessions prepared by the police. One part of these confessions was a statement to be signed by the political prisoner saying that he or she had not been tortured.

The next step is the sentencing process. I was particularly interested in the legal process during my stay. In addition to interviewing political prisoners, I also talked to a great many lawyers, a judge, and I attended a trial.

Although the South Vietnamese Constitution says that all prisoners are entitled to lawyers, all prisoners stated that they had been tortured and denied the presence of a lawyer during the interrogation period. All lawyers interviewed stated they had never been allowed by the government to assist clients during the preliminary interrogation period; in fact, they could not see their client, visit with their client, or even know where their client was during the interrogation period. All the prisoners also said that no lawyer was allowed to come and see them.

Political prisoners are sentenced either by security committees or military field courts.

The military field court is a special court of five military officers appointed by President Thieu. The military field Court was found illegal by the South Vietnamese Supreme Court on May 5, 1970.

Despite this ruling they have continued functioning until the present day.

On July 3, 1973, I attended a session of the military field court. They were not trying political prisoners the day I was there but the procedure that I witnessed was identical to the one that is used to try political prisoners.

As I entered the court I saw five military officers dressed in military uniforms on a raised dais in front of the defendant. One of them the day I was there happened to be wearing sunglasses. Next to them was a prosecutor. Basically each defendant received 10 or 15 minutes of interrogation by the chief judge and a prosecutor based on his confession.

On the day that I was there when the defendant denied any portion of this confession, both the chief judge and the prosecutor began screaming at him. After this a lawyer came up—it turned out to be a young man who was just out of law school. He had been appointed as a kind of public defender. He would beg for the mercy of the court. The process for each defendant took about 15 minutes. There were no witnesses, no evidence produced, no cross examination of witnesses or any attempt to determine the guilt or innocence other than this confession.

At the end of the morning the judges then retired after having heard or seen about 20 defendants this way and came out and read off the sentences for each one. Each person was found guilty of several offenses and sentenced to several years in prison based on this 15-minute hearing before these five military judges.

I found out, however, that this legal process that I have described is accorded only to a minority of the political prisoners; most of them never even receive a trial at all. Most of them are simply sentenced by province level security committees which never see them, which simply review their dossiers.

I interviewed a judge and former deputy, both of whom had attended security committee meetings. They told me that the security committee meets every few weeks. At its meeting the police chief takes out the dossier of the accused, recommends a sentence, and in general it is rather perfunctorily agreed to. The other members of the security committee—who consist of a military officer, a representative of the military person in the province, and the prosecutor's office—usually don't ask any questions.

I could go on, but to sum it up it may be possible that no political prisoner has been proven guilty according to due process of law as established by the South Vietnamese Constitution or minimum international standards. This was in part confirmed by Ambassador Colby in testimony before Congress back in July 1971. He reported that, yes, when security committees tried these political defendants there were no lawyers present. He also said that: "The Security Committee is an administrative proceeding, not a trial. As I said, I do not think they meet the standards I would like to see applied to Americans today."

Well, the next step in the process in theory is imprisonment although in practice it turns out that people are usually imprisoned after the interrogation period and may not receive a trial from the military

field court or sentencing by the security committees for anywhere from 2 months to 2 years in the cases of some people that I interviewed. All prisoners interviewed stated they were denied adequate food, water, medical treatment. They were generally fed only a few hundred grams of poor quality rice a day and given a small amount of water to drink. Disease was frequent and many prisoners died as a result of being refused adequate medical care.

Ex-prisoners described a wide variety of what they called repressions, what we might call punishments. Sometimes these punishments were in response to protests, sometimes they happened spontaneously in response to a minor event. As an example, a prisoner might refuse to salute the GVN flag and that prisoner might be beaten and some other prisoners might protest and then one of these large scale punishments might take place.

The most frequently mentioned punishments were shackling in cells, beatings administered by common law criminals and the firing of tear gas shells or throwing of lime into cells.

A doctoral thesis submitted at Hué University describes the following medical problems among prisoners at Con Son: Beriberi, black leg disease, exhaustion, broken bones, paralysis, convulsions, stomach ulcer, worms, malaria, amoebic and bacterial dysentary, typhoid, and tuberculosis.

The 16 ex-political prisoners I interviewed, who had been in all of South Vietnam's major jails, all said that their health had been permanently damaged by their stay in prison. The most common ailments mentioned were tuberculosis, damage to the nervous system and heart caused by electric shocks, permanent damage to limbs and malnutrition. All stated that damage to their health was due to deliberate mistreatment by prison authorities. They described their stay in prison as one of constant hunger, thirst, and illness repeatedly punctuated by beatings and torture.

It is important to note that the problems encountered by political prisoners do not end with their release from prison. All ex-prisoners interviewed reported that they were unable to find employment, forced to report to the police regularly, and harassed and surveilled by police agents.

Knowledgeable foreign observers told me that it is most difficult for former political prisoners who are peasants. Life after prison is almost as bad as in jail. Police chiefs kept released prisoners under constant surveillance, their movement was curtailed, fellow villagers were afraid to hire or become friendly with them for fear of attracting suspicion, and they were often prevented from returning to their home villages. I learned of several reports of suicides committed by political prisoners who had been released due to these conditions.

This afternoon testimony has already been given about the Government of Vietnam's attempt to cover up the prisons. I can only stress here that I had long talks with Red Cross officials in South Vietnam after I read the Thieu government statement that the Red Cross was allowed into all the prisons. I found out that not only had they suspended the visits to prisons but that even the visits which had taken place before March 1972 had been severely restricted by the Government of Vietnam. They had not been allowed to talk to prisoners freely

with their own interpreters in private as their rules require and that this was the reason that they suspended their visits in March 1972.

I also discovered that since the cease-fire people and groups like the U.S. Senate Subcommittee on Refugees, Bishop Thomas Gumbleton of Detroit, Bishop Guy Belanger of Canada, Professor George Lebel of Quebec University Law School, a group of Buddhist monks representing the An Quang pagoda which has already been mentioned previously, and members of a Vietnamese Senate Committee delegated to deal with prisoner affairs—all these people or groups had been refused permission to visit the prisons even though General Thieu said that his prisons were open to anyone.

In conclusion, I might begin with some of the comments made by Vietnamese and other foreigners in Vietnam about the political prisoner situation. They see the U.S. Congress as the only hope for the release of these prisoners. Many of them felt that Congress should just immediately suspend aid to Thieu.

In answer to the question, "Well, if this is not possible, what sort of more moderate steps could be taken?" the three things most frequently mentioned were:

(1) That Congress should immediately send a delegation to Saigon prisons, interview prisoners in private chosen at random with independent interpreters.

(2) Congress could cut military and police aid, maintain or increase the present minuscule funding for humanitarian programs.

(3) Congress could allocate aid to the Government of Vietnam but make it conditional upon the release of political prisoners and restoration of freedoms of the press, vote, and assembly.

These kinds of actions have often been objected to on the grounds that they would be meddling in the internal affairs of South Vietnam. None of the Vietnamese I talked to, however, felt that way. They stressed that Congress was already massively interfering by supplying 90 percent of President Thieu's budget and paying for a 1 million man army, 120,000 strong police force and 600 admitted prisons. They argued that congressional action to promote freedom in South Vietnam would permit the Vietnamese to exercise their right to self-determination. This would by definition make them more independent from present U.S. "meddling."

Personally I agree with these arguments and I also agree with the Vietnamese who feel that we should immediately cut all aid to the Thieu government. If this is not possible, however, I cannot stress enough my own feelings that we must at least take some of these moderate steps, not only because it is in Vietnam's interest but because it is most clearly in the American interest.

From an economic point of view we will be sending \$2 billion to the Thieu government this year. What is most important though to note is that it won't only be this year. This money is not going to make refugees or war victims more self-sufficient. It is going to a self-perpetuating military machine which won't be able to survive without another \$2 billion next year and the year after that.

And where will it end? Everyone I talked to felt that if the PRG and other opponents of the Thieu regime are not allowed to compete for power politically they will be forced to do so militarily. The release

of the political prisoners, freedom of the press, free elections could, it was felt, could lead to a political solution. No one knew for sure, but everyone was certain that the present situation was leading to more war, not less.

I would like to stress that I think there is an even deeper American interest in working for the release of these political prisoners. As I said, anyone who goes to South Vietnam today must ask himself or herself: What kind of mentality could produce this nationwide police apparatus, this attempt to control and surveil 18 million people?

The answer is clear and unsettling. It is a mentality which regards people as objects—objects to be watched, traced, controlled. It is a mentality which arrogates to itself the right to arbitrarily remove anyone it judges a threat from the general population without legal considerations. It is a mentality which uses the language of freedom in public even as it sets monthly kill quotas in private.

And it is a mentality which grows daily as the executive branches of today's super powers turn increasingly to methods of police control abroad and at home. You see it in the Soviet Union and Czechoslovakia. You see it in Thailand and the Philippines. And you see it at the Watergate.

You see it in U.S. Public Safety documents detailing plans to issue ID cards linked to central computers to 10 million adults in Vietnam. And you see it in the wiretapping of high officials and private citizens in the United States. You see it in the official U.S. Phoenix directives ordering detention without trial in Vietnam. And you see it in presidential memos ordering illegal entry into private homes in this Nation.

For years now many Americans have ignored the lack of democracy in Vietnam in the belief that it would not affect our own lives. Today we see the mentality which planned Phoenix assassinations and built the prisons in South Vietnam firmly in control of the highest executive agencies of this Nation. Let us not delude ourselves any longer that we can destroy freedom in Vietnam and yet build it here at home. Let us see that the release of South Vietnamese political prisoners is inextricably linked to the preservation of our own liberty.

And let us see above all that it is also one of the greatest human imperatives of our times, a human crisis transcending politics, ideology, and race.

Available statistics are but a measure of this human drama. Amnesty International estimates that there are 100,000 political prisoners in South Vietnam. This is three times its 31,000 estimate for the Soviet Union, Brazil, Turkey, Spain, Ceylon, Portugal, Angola, Mozambique, Czechoslovakia, East Germany, and South Africa combined. If the United States followed the same policy at home as it does in South Vietnam, there would be over 1 million Americans in jail for their political beliefs today.

Such statistics, however, provide but a faint reflection of the human realities of life in South Vietnam today.

How is one to measure the feelings of countless mothers who have had their sons or daughters taken in the middle of the night, never to

see them again? What numbers can convey the sentiments of tens of thousands of human beings caught up in an endless twilight world of beatings, electric shock, rape, shackling, tear gasing, hunger, thirst, and illness? Is there a scale to weigh the desperation felt by millions of other Vietnamese who do not dare to speak openly or trust neighbors for fear of being hauled away in the dead of night?

I do not know. I know only that one must grope back to the darkest memories of this century to recall a time of similar mass roundups of men, women, and children, midnight arrests by uniformed police, and brutalization of unarmed civilians for their political beliefs. And I know it must be stopped.

The Committee to Reform the Prison System has issued a call to world conscience in these words:

Forty years ago did not great Western writers, religious leaders, and jurists raise their voices to denounce Franco's treatment of Republican prisoners? Were not voices raised more recently to plead the cause of prisoners held by the authoritarian regimes of Greece and Brazil?

When will a voice like that of Dom Helder Camarra rise up in the name of the students, peasants, monks, trade unionists, peace activists, journalists, professors, and workers, indiscriminately imprisoned throughout South Vietnam?

The time for a voice to arise in Congress and this Nation has clearly come.

Mr. NIX. I want to thank you for the statement you have presented here, Mr. Branfman. It is a tragic story.

I think the question raised about interference in the internal affairs of a sovereign state has merit but it loses its merit when you consider the fact that the life of that sovereign state is dependent upon the earnings of the American public and certainly we have a right to know how the money expended by Americans in South Vietnam for its preservation should be used. We have a right to know how it is being used. We have a right to know what penal system is operative in that country. We have a right to question the conduct of the prison officials as to the people incarcerated.

Whatever influence we can bring to bear, even if it goes to the extent of withholding funds, I am going to see that it is done. This to me is one of the most tragic histories in the sordid past of mankind and I think it is horrible.

Again I want to express the gratitude of this subcommittee to you and to the other witness for having given us the benefit of your knowledge on this subject.

Thank you very much.

Mr. BRANFMAN. If I might just make one last comment.

Mr. NIX. Yes.

Mr. BRANFMAN. I would like to stress two conditions set by the Red Cross all over the world for any visits to prisons. One is that it be allowed to go freely throughout the prison, to visit any part of the prison that it chooses to; secondly, that it has the freedom when it does so to pick at random any prisoners that Red Cross officials feel like talking to, take them out and talk to them in private with their own interpreters. I would hope that if the Congress does undertake

a trip like this it will insist on at least these two very minimal conditions for such a visit.

Mr. Nix. I think it is essential that that procedure be utilized. You could not expect to receive from any imperiled person a true account of his treatment unless it is done in that manner.

So far as I am concerned it is the worst horror story that I have ever heard in my life, and I have been subjected to some horrible stories.

Again I thank you very much.

Mr. BRAUNFMAN. Thank you.

Mr. Nix. The testimony submitted by David and Jane Barton will be made a part of the record at this point.

[The statement follows:]

PREPARED STATEMENT OF DAVID AND JANE BARTON

SEPTEMBER 9, 1973.

To : Congressman Robert N. C. Nix.

Attention : Thomas Kennedy, Staff Consultant, Asian and Pacific Affairs Subcommittee, House of Representatives, Washington, D.C.

From : David and Jane Barton, P.O. Box 164, South Laguna, Calif.

DEAR CONGRESSMAN NIX : Thank you very much for your invitation to testify before your Subcommittee's hearings on the subject of the prison system in South Vietnam. We will be unable to appear in person at your hearings on the 13th despite our strong desire to do so but we do not have the financial means necessary to fly from our present location here in Los Angeles to Washington. However, we have prepared a written testimony which we have enclosed with this letter and we trust it will be fully considered by you and your Subcommittee and entered into the official records of your hearings.

We hope that your hearings on this compelling issue which vitally concerns the lives of so many thousands of Vietnamese will command the careful attention of your colleagues and will result in legislation stopping American financing of the torture and imprisonment of innocent Vietnamese. We are sure that testimony at your hearings will overwhelmingly show the need to pressure the South Vietnamese government to immediately release all the political prisoners.

If we can be of any further help in providing you or your Subcommittee with information regarding political prisoners in South Vietnam please let us know.

Respectfully yours,

**DAVID BARTON.
JANE BARTON.**

TESTIMONY ON POLITICAL PRISONERS IN SOUTH VIETNAM

(Submitted by David and Jane Barton, Sept. 9, 1973)

Our names are Jane and David Barton. From May, 1971 until May, 1973 we were field directors of the American Friends Service Committee's Rehabilitation Center in Quang Ngai, South Vietnam. The American Friends Service Committee is an independent voluntary agency whose work in Vietnam seeks to alleviate human suffering wherever it may occur and to serve those in need without regard to their race, religion, or political views. In addition to providing medical services, physical therapy, and prosthetic care for the many thousands of war-injured civilians, the AFSC program also included medical visits to people at the Quang Ngai Prison and at the prisoner ward of the Quang Ngai Hospital. Thus, we had contact with prisoners from the Province Interrogation Center, the Prison, the prisoner ward of the Hospital, and district detention centers in the province of Quang Ngai. During our two years of work in Quang Ngai we met and spoke with several hundred prisoners at these various prison facilities. This direct, daily experience with prisoners and with prison authorities enabled us to gather substantial evidence concerning the way in which the Government of South Vietnam detains, arrests, interrogates, tortures, and imprisons large numbers of civilians in Quang Ngai.

We are pleased to have this opportunity to submit testimony to this Congressional Committee. Indeed, as Americans, we feel a compelling obligation to inform Congress and the American people of how their taxdollars are being used to mistreat and imprison thousands of innocent civilians in South Vietnam. We were shocked to see an amputee patient at the Hospital who had been handcuffed to his bed for a year and a half with American-supplied handcuffs from Smith and Wesson company in Springfield, Massachusetts. We were distressed to hear stories of torture going on in the American-built Interrogation Center and to see men and women rice farmers from the Quang Ngai countryside continually being arrested and transported to the Interrogation Center in American-purchased vehicles. Similarly, it was upsetting to speak with a Vietnamese National Police Commander who had been trained at the U.S. International Police Academy and discover that this official expected a large bribe from us for the release of the brother of one of our Vietnamese staff. Incidents such as these were just a few of the constant superficial reminders of how American money and supplies were being used to mistreat and imprison Vietnamese civilians. We would like to elaborate on some of the very serious and tragic consequences of American aid to the South Vietnamese prison system.

The majority of the prisoners to whom we gave medical treatment had been tortured. We were able to gather evidence of torturing through the physical examination of those people tortured, through interviews and personal accounts by the prisoners themselves, and from X-rays and photographs. During interrogation at the Province Interrogation Center prisoners explained that they are forced to drink large amounts of water mixed with whitewash (lime), soap, or salty fish sauce. After their stomachs are bloated, the interrogator jumps on their stomachs. One AFSC doctor examined several patients who had "petit mal" seizures and memory lapses. He felt that this was due to brain damage caused by drinking such toxics. Prisoners also told an AFSC doctor that they were forced to lie on a table and if they didn't respond to questioning properly, the interrogator would reach underneath their rib-cage and crack or break the prisoner's ribs. This same doctor examined and had X-ray evidence of several prisoners with cracked or broken ribs. Frequently prisoners suffered from internal bleeding and internal injuries. These prisoners described how they were placed upright in water-filled oil drums which were then beaten on the sides giving the prisoners internal injuries without leaving external marks of torture on their bodies. Many prisoners showed very visible signs of being beaten and in several cases skull fractures, brain hemorrhages, and various forms of paralysis resulted. Prisoners were also tortured with electricity. Electrical wires were attached to their toes, fingers, or sensitive parts of their bodies. When the electrical shocks were administered prisoners related that they would become unconscious. Upon regaining consciousness, the prisoners would again be interrogated and if their interrogators were not satisfied with their answers, the electrical shocks would be repeated. The electrical torturing seemed to cause strange physiological phenomenon, fits and seizures, especially among the female prisoners. We knew as many as 25 women who routinely had 8 to 10 such seizures a day. During our routine medical visits with prisoners, we were able to witness and document the permanent mental and physical damage which prisoners sustained as a result of the tortures mentioned above.

The treatment of prisoners did not improve after the signing of the Paris Peace Accords. We worked in Quang Ngai for four months after the ceasefire and continued to examine prisoners who had recently been tortured. We would like to site briefly three such examples. Ho thi Nguyet, a 19 year old woman, was picked up on suspicion of communicating with her father who had gone to North Vietnam ten years ago. After the ceasefire accords she was brought to the Interrogation Center where she was subjected to electrical shocks, forced to drink large quantities of soapy water, and beaten with clubs on four different occasions between February 8th and March 23rd. She now suffers from paralysis to one of her legs and has hysterical seizures at least six times a day. A 42 year old montagnard man died on February 16th of internal injuries which resulted from being beaten while inside a water-filled oil drum. Pham thi Thi, a 67 year old woman, was picked up in Mo Duc district because she was carrying four pounds of rice in an "insecure" area. As a result of tortures and beatings, she became permanently paralyzed on her right side and remains in critical condition. These are only a few examples of the many prisoners we saw who were tortured and mistreated after the Paris Peace Accords.

We would also like to comment on the general medical treatment of prisoners in Quang Ngai. The medical care given prisoners at the various prison facilities was almost nonexistent. During our two years in Quang Ngai, no Vietnamese doctor nor medical person visited any of the prisoners and there were few medicines stronger than aspirin for prisoners. There were many prisoners who were seriously ill with such medical problems as pneumonia, lung abscesses, osteomyelitis, unset broken bones, infected wounds, large boils, and diseases related to vitamin deficiency and poor diet. Also, as a result of confinement, many prisoners contracted tuberculosis. We were continually frustrated in our efforts to give medical treatment to prisoners. For instance, prisoners who were at the Quang Ngai Hospital for treatment were frequently chained to their beds by prison guards regardless of their injury. Three patients receiving treatment from us—a paraplegic, an above-knee amputee, and a fractured femur case—were all chained or handcuffed to their beds for periods of a year and a half to two years without knowing why nor by whom they were being held captive. A second problem was that in spite of the AFSC doctor's recommendation, prison officials rarely isolated prisoners with communicable diseases, such as tuberculosis. Also, the AFSC doctors were given no control over the length of time a prisoner could remain at the hospital and many prisoners were returned for further interrogation even though they were still diagnosed as seriously ill and under treatment. One such example is that of Pham thi Tho, a 19 year old woman, whom our doctor discovered had a cardiovascular problem of potentially serious consequences. In addition, the patient had a three-month old fractured femur due to a bullet wound and she was unable to walk. The AFSC doctor asked both the American and Vietnamese officials to allow him to remove the bullet and evaluate this prisoner's heart condition. The American and Vietnamese officials were fully aware of the danger to this prisoner's life if she did not receive immediate medical treatment and yet the prisoner was returned to the Interrogation Center and denied medical care. In other similar efforts to treat prisoners the AFSC staff in Quang Ngai was continually thwarted by a lack of cooperation and humanitarian concern on the part of the South Vietnamese government and American advisors.

During our two years in Quang Ngai we informed the American government advisors, such as the Province Senior Advisor, the Deputy Province Senior Advisor, and the National Police Advisor, of prison conditions. These officials acknowledged that torturing was probably going on but they pleaded that as advisors they had no power and no influence to correct the situation. These advisors also told us that the Province Interrogation Center was the sole responsibility of the Central Intelligence Agency and thus it was not under their jurisdiction. Such answers seemed inadequate to us since we could see the massive amounts of American aid that were going to support and finance the police and prison system in Quang Ngai. During our entire two years in Quang Ngai the CIA maintained several agents there and we frequently observed them visiting the Interrogation Center and transporting secret police and prisoners to the Interrogation Center. It seemed to us a direct violation of the January Peace Agreement that the CIA has continued to operate in Quang Ngai after the ceasefire, making visits to the Interrogation Center.

There are approximately 2,500 civilians imprisoned for political reasons in Quang Ngai Province. At the Province Interrogation Center there are over 1,000 people, at the Quang Ngai Prison another 1,000, and at the district detention centers several hundred more. Most of the prisoners we met and treated weren't actively working for the Provisional Revolutionary Government nor were they third-force neutralists. They were country people—people who were jailed for being in the wrong place at the wrong time, for losing a government paper or ID card, for refusing to pay bribes to government officials, and for not refugeeing to government-controlled territory when their ancestral lands and homes came under the control of the PRG. There were children as young as eleven years old in jail, pregnant women and mothers nursing their babies, high school students, rice farmers, monks, old men, and grandmothers. None of these people had had trials: most had no idea of the charges against them nor of the length of their sentence. The majority of prisoners we met had been in jail from 2 to 6 years.

The Paris Peace Accords of January, 1973 changed nothing for these thousands of political prisoners. In April, 1978 President Thieu tried to deny their existence by claiming that there were no political prisoners in South Vietnam. Yet,

the prisoners we were treating at that time still wore tags which were printed with their name, number, and the Vietnamese words for "political prisoner". During our two years in Quang Ngai we met and spoke with several hundred prisoners but not once did we personally meet a prisoner who had been arrested for criminal reasons. With the exception of three specific cases sited below, none of the prisoners whom we knew and were treating in Quang Ngai before the ceasefire were freed after the ceasefire.

After the Paris Peace Accords we had direct experience with only three prisoners who were released. These prisoners had been held in prisons outside Quang Ngai Province and were temporarily transferred to Quang Ngai before being freed. One prisoner was an 18 year old woman who told Jacques Leslie in an interview for the Los Angeles Times about being beaten for 23 days while in a military prison in DaNang following her capture. The other two prisoners, named Lam and Du, were from Con Son Prison. They said they were political prisoners and were in prison eleven and fourteen years respectively. Both of these prisoners were paralyzed from the waist down as a result of having been shackled in "tiger cages". These two male prisoners said that they saw American advisors and doctors during the time they spent in the "tiger cages" of Con Son Island. We were able to treat and examine these two former Con Son prisoners at the AFSC Rehabilitation Center daily for a period of 9 weeks. From physical evidence, there was no doubt that the paralysis of these prisoners was very real. Their muscles were atrophied and contracted; they had a total loss of sensation and reflexes. After intensive physical therapy, however, these two former prisoners were gradually able to regain some use of their leg muscles. If these two men had not received sophisticated physical therapy treatment, they would remain paralyzed today. The three above cases were the only prisoners we met who were released after the ceasefire accords.

In fact, following the Paris Peace Accords, we were aware of many new cases of civilians who were arrested, tortured, and imprisoned. Thus, even after the accords, the prisoner population in Quang Ngai still remained at approximately 2,500 prisoners. Since Quang Ngai is only one of South Vietnam's 37 provinces and there are many large national and military prisoners our personal conservative estimate would be that there are between 100,000 and 200,000 political prisoners currently being held in South Vietnam by the South Vietnamese government.

If these thousands of political prisoners in South Vietnam remain forgotten people, President Thieu can continue to count on American money to support his police and prison system. But the United States Congress must assume responsibility for these prisoners since for many years now the United States has been training, building, advising, and financing the Vietnamese institutions and personnel running the police and prison systems. It is our sincere hope that Congress and the American people will accept their responsibility for the fate of these prisoners and demand that American taxdollars no longer be used to finance the torture and imprisonment of Vietnamese people. We believe that peace and reconciliation cannot truly come to Vietnam until all the prisoners are free.

Mr. NIX. The subcommittee meeting will stand adjourned.
[Whereupon, at 4:23 p.m., the subcommittee adjourned.]

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APPENDIX

STATEMENT BY VIVIAN SCHATZ AND ROSALIE RIECHMAN ON MISTREATMENT IN SOUTH VIETNAM'S PRISONS AND U.S. RESPONSIBILITY ON BEHALF OF THE UNITED STATES SECTION, WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

"U.S. assistance to the South Vietnamese police force in the past has been designed to help the government of the Republic of Vietnam develop a more humane correctional system."

Marshall Wright of the State Dept. in a letter to Cong. Gubser, 7-31-78

According to Senator Kennedy, if Congress grants President Nixon his budget request for FY 74, he will have at least \$15,217,000 of American taxpayers' dollars to finance General Thieu's police and prison system. The Women's International League for Peace and Freedom submits the following arrest and prison record of Mrs. Ngo Ba Thanh as a chilling example of the "humane" prison system Mr. Wright describes. Mrs. Ngo Ba Thanh is a 42 year old Buddhist pacifist. She is a mother of four, member of the WILPF and President of the Women's Movement for the Right to Live. She is an internationally acclaimed lawyer and a graduate of Columbia Law School, which has recently offered her a position on its faculty. She has written on legal problems in four languages and holds degrees from the University of Paris and the University of Barcelon as well as Columbia. She has spent over four years in prison without being tried and has twice been subjected to water immersion torture. From April to September 1973 she engaged in a hunger strike.

Due to world wide pressure from Amnesty International, Columbia Law School and the U.S. Congress (including these hearings and a recent trip to Vietnam by Congresswomen Abzug) as well as a letter writing campaign of indignant American citizens, Mrs. Ngo Ba Thanh was released provisionally on bail on Sept. 21, 1973. She has not been given permission to leave the country to accept Columbia's offer. Her release comes the week that Congress is deliberating a Department of Defense authorization bill in which Nixon has asked for \$10,600,000 for South Vietnamese police, and a Foreign Aid authorization bill in which Nixon has asked \$2,630,000 for South Vietnam's police and prisons. This is in addition to \$3,787,000 in previously appropriated, but not yet obligated funds, about \$3.3 million from the Commodity Import Program and about \$700 million in Food for Peace money—all for Thieu's police and prisons. Her release also comes 2 days before the "Day of Conscience"—a day of observance called by prominent religious, civic and government leaders around the world.

MRS. NGO BA THANH—RECORD OF ARRESTS AND IMPRISONMENT

February 1965 to June 1965.—Imprisoned for four months for having signed a peace petition.

June 1966 to July 1968.—Spent more than two years in prison without a trial and without charges after having participated in meetings organized by medical students who called for an end to the war.

August 17, 1971.—Taken from her car by police and held for "outrages" (verbal abuse against a magistrate, alleged to have occurred on June 22).

August 19, 1971.—The Attorney General deemed that charge insufficient reason for detaining her. The charge was then changed to assault (physical abuse) against a magistrate. (She is a Buddhist pacifist). She was then ordered held in preventive detention by the Dean of Examining Magistrates.

September 4, 1971.—The Dean of Examining Magistrates, after seeing her dossier, grants her freedom. This order is opposed by the Attorney General and the matter is brought before the Court of Impeachment.

September 15, 1971.—The Court of Impeachment throws out the Attorney General's objection and approves the order of the Dean of Examining Magistrates for her release from Thu Duc prison.

She is taken instead to National Police Headquarters where the head of the Special Security Service orders her held for no stated reason. Upon her energetic protest she is released and she returns home.

September 19, 1971.—At the written invitation of a social group of senators and deputies, she attends a meeting in the Lower House for "Assistance to flood victims in North Vietnam." The entrance of guests is blocked by the police. Mrs. Thanh and others then join a demonstration against the one-man presidential race. Lacrymogen bombs are thrown by police to scatter the demonstration. To avoid the gas Mrs. Thanh and several others move to the garden of the Continental Hotel across the street. Someone shouts that Deputy Ngo Cong Duc has been shot. Mrs. Thanh and a friend, Miss Lon, run with others from the garden to the street. They are selected out from the others and met with a heavy barrage of fear and vomit gases. The two women succumb, are arrested and taken in a police vehicle to the First Precinct Police Headquarters.

Her medical condition is very poor as a result of the inhalation of gases. Her husband and her lawyer bring a doctor but are barred from seeing her. In desperation, her husband attempts suicide to protest his wife's treatment. This suicide attempt is prevented by the police, but as a result, a doctor from Police Hospital is sent in to see Mrs. Thanh. When she shows signs of recovery, she is subjected to interrogation.

A week later she is transferred to the Police Hospital because of the severity of her illness. As her health improves, she is moved to Municipal Police Headquarters.

October 2, 1971.—Undergoes further interrogation. No charge is filed against her.

October 11, 1971.—Charged with "activities against the security of the state" (distributing peace literature, participating in a demonstration against Thieu's "election").

October 1971.—A delegation from the Women's International League for Peace and Freedom, of which Madam Thanh is a member, Congresswoman Bella Abzug, and members of Women's Strike for Peace go to the South Vietnam Embassy in Washington to inquire about her health and well-being. They are told by Counselor Hoan that although the Embassy has no knowledge of the immediate situation, the women could rest assured that Mme. Thanh is being well cared for.

The women are promised that specific information will be forthcoming in two or three days. Two weeks later they learn that, contrary to Counselor Hoan's assurances, she is still in prison.

March 22, 1973.—After having been imprisoned for 6 months without trial the *New York Times* reports that she was carried on a stretcher to a courtroom for her trial where she suffered an asthmatic attack. A doctor pleaded with the 5 judges who were military officers for her to be taken to a hospital. "Her heart-beat is up and down. She can die at any moment." The judges recessed for 30 minutes and returned to say that the trial was to be postponed and Mrs. Ngo Ba Thanh returned to Thu Duc prison. She has not been tried since.

March 24, 1972.—Members of the Women's International League for Peace and Freedom go to the South Vietnam Embassy to inquire about her health and well being. They are given no information.

At the same time, a group of Women's International League for Peace and Freedom members visit the Vietnam Mission to the United Nations. They are told that Mme. Thanh was in a government hospital. That information was incorrect, as she was then in the Thu Duc Prison.

August 1972.—A letter signed by 13 Senators and 13 Congressmen concerning Mrs. Ngo Ba Thanh is sent to Secretary of State Rogers.

February 1973.—Two Frenchmen who have seen Mrs. Ngo Ba Thanh in Chi Hoa prison visit members of U.S. Congress.

April 2, 1973.—A delegation of Congressional aides, WILPF, and WSP visit the South Vietnamese embassy. Aides are not admitted—women are given no information concerning Mrs. Thanh.

April 10, 1973.—She begins hunger strike to protest prison conditions.

May 11, 1973.—1,000 faculty and students at Yale University petition that she be awarded an honorary degree.

June 5, 1973.—*Washington Post* states, "Columbia University last week offered Mrs. Thanh an appointment to teach international law."

"A government spokesman [from Saigon] meanwhile said today that Columbia University should forward its offer of a faculty post for Mrs. Ngo Ba Thanh to either North Vietnam or the Viet Cong because she will be released to the Communists 'in the near future.'"

June 18, 1973.—*N.Y. Times* reported that she demanded her release to accept Columbia's offer.

June 18, 1973.—Awarded citation by WILPF.

June 27, 1973.—A delegation including members of WILPF, Columbia University Alumni Association and WSP, John Lennon and Yoko Ono visit South Vietnamese Embassy and are unable to ascertain whether or not she'll be released.

August 1973.—Bella Abzug and Fred Branfman learn from visiting her family that she is continuing her hunger strike, has lost 47 pounds, her hair is falling out, and her asthmatic condition is severe.

September 13, 1973.—Congressman Nix holds hearings on mistreatment in Thieu's prisons and U.S. responsibilities. Bella Abzug, Don Luce and Fred Branfman give eyewitness accounts, all mentioning Mrs. Thanh.

September 21, 1973.—Mrs. Thanh released provisionally from prison on bail (no trial date set). Saigon won't say whether she'll be allowed to leave country to accept Columbia's offer.

Information was obtained in part from:

New York Times—September 5, 1971—March 23, 1972—May 17, 1973—June 4, 1973—September 22, 1973

American Report—April 7, 1972

Congressional Record—Vol. 118 August 2, 1972 No. 122

Washington Post—May 17, 1973—June 1, 1973—June 5, 1973—September 22, 1973—September 25, 1973

"The citizen of the Republic of Vietnam . . . now has an array of constitutional and legal rights at his disposal . . . he is also legally entitled to a public trial and a defense lawyer and can be incarcerated only if proved to be guilty and convicted."

"The Republic of Vietnam Penitentiary System and the Civilian Prisoner Question", published by the Republic of Vietnam, June 1973.

One woman has been released. Reliable estimates from Amnesty International and Don Luce tell us there are literally tens of thousand more. They are students, Buddhists, peasants who have not graduated from Columbia Law School and have not been interviewed by members of the U.S. Congress. We commend Congressman Nix for accepting his delegated responsibility to monitor the American funds that imprison these people, and specifically for his efforts in seeing that a Congressional delegation thoroughly investigates Thieu's prisons.

On April 8, 1973 General Thieu had the following dialogue with George Herman of "Meet the Press":

HERMAN: "You would, then, you say, welcome a team to inspect [the prisons] from, say, France, or from the World Red Cross, or some reputable organization?"

THIEU: "Anyone, even yourself, if you would like to go through Vietnam right away."

The following week as Auxiliary Bishop Thomas J. Gumbleton of Detroit was being denied entrance to the prisons, General Thieu was telling the Pope that there were no political prisoners in his country. Senator Kennedy's subcommittee on Refugees has also been denied entrance to the prisons as well as the International Red Cross after it requested permission to talk to detainees in private.

In reporting Mrs. Thanh's release from prison the Associated Press said, "The announcement [of her release] was considered a result of pressure from the U.S. Congress which has criticized South Vietnam's treatment of political prisoners."

LETTERS FROM HON. MARSHALL WRIGHT, ASSISTANT SECRETARY FOR
CONGRESSIONAL RELATIONS, AND STATE DEPARTMENT DOCUMENTS
CONCERNING POLITICAL PRISONERS IN SOUTH VIETNAM

DEPARTMENT OF STATE,
Washington, D.C., September 12, 1973.

Hon. ROBERT N. C. NIX,
*Chairman, Subcommittee on Asian and Pacific Affairs, Committee on Foreign
Affairs.*

DEAR MR. CHAIRMAN: In the light of the Subcommittee's interest in the treatment of political prisoners in South Viet-Nam, the Subcommittee will find the enclosed three recent State Department documents of interest:

(1) A Department Public Information Series release which sets forth our latest information and general position on civilian prisoners in South Viet-Nam.

(2) A copy of a letter from me to a Member which responds to charges made in an article by Mr. Don Luce.

(3) An unclassified summary of a series of classified documents about "paralyzed" prisoners who have been the subject of recent sensational press accounts. We are initiating declassification procedures on these documents. Until this process is completed, we would be happy to make them available to you or members of your staff for examination on a confidential basis if you so desire.

If you have any question or if there is further material you desire, please do not hesitate to call on me.

Sincerely,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

Enclosure.

CIVILIAN PRISONERS IN SOUTH VIET-NAM

The term "political prisoner" in the Viet-Nam context is subject to varying interpretations, which helps to account for the widely varying and often exaggerated estimates of their number. We employ the term to describe those persons imprisoned because of non-violent, non-communist opposition to the present Government of the Republic of Viet-Nam. It does not include, in our view, communist cadre or supporters whose release and return to the Viet Cong, or "Provisional Revolutionary Government," is a specifically designated subject of negotiation between the two South Vietnamese parties under Article 8(C) of the January 27 Agreement on Viet Nam. The term "political prisoner" also does not include common criminals who have been convicted of civil crimes.

It is often difficult, particularly for any outside entity such as the U.S. Government, to determine whether a particular civilian detainee should be considered in the Article 8(C) category (communist offenders) or in the category of simple political dissent. Only the two South Vietnamese parties have the full information necessary to make such a determination. To the best of our knowledge, the number of non-communist civilians detained for political dissent, i.e., "political prisoners," is a small portion of the prison population. Our Embassy in Saigon suggests that there may be between 500 and 1,000 detainees in this category. Although this is only an estimate we believe it to be a realistic one.

NUMBERS OF CIVILIAN PRISONERS

The total capacity of the South Vietnamese prison system is about 50,000; the total civilian prison population is at present 25,000-30,000. Almost all these prisoners are either "communist offenders," as the South Vietnamese Government calls communist cadre and supporters, or common criminals; we understand that there are roughly equal numbers of each. Although some currently

circulating estimates of the number of "political prisoners" range from 35,000 to 200,000, we consider such figures to be far wide of the mark in view of the facts and estimates cited above. The 200,000 figure which receives the most publicity is manifestly incorrect; even the lower figure is erroneous in view of the fact that the entire civilian prison population, as stated above, is not more than 30,000.

Unfortunately, the use of such inflated totals typifies the current public debate on the "political prisoner" issue. The problem does exist, it is a serious one, and we do not wish to minimize it; however, it is important to consider this issue rationally and constructively, which is a difficult task when its dimensions have been distorted far out of proportion.

ALLEGED MISTREATMENT

Similarly, we believe the recent allegations concerning torture and mistreatment within South Viet-Nam's penal system to be either highly exaggerated or fallacious. As in any prison system, there are cases of abuse, but in our best judgment such cases are the exception rather than the rule in South Viet-Nam's improved penal system. In general, cases of abuse appear to have occurred in the process of, or just after arrest, while detainees are still under police control for interrogation, and not in civilian prisons under the jurisdiction of the Directorate of Corrections. Any case of mistreatment of a detainee, wherever it occurs and whatever the detainee's category, is of course a matter of concern and appropriate corrective action. We have not hesitated to point out clearly to the appropriate South Vietnamese authorities the necessity for humane treatment, and will continue to do so in as strong terms as the situation may require.

RECORD ON PRISONER EXCHANGES

The South Vietnamese Government considers to be far too short the list of only 637 persons which the Provisional Revolutionary Government admits to holding. Even this small total was grudgingly and gradually conceded by the Viet Cong; originally they claimed to hold less than 200, and this after over two decades of war. Consequently, the South Vietnamese Government is unwilling to return all the Viet Cong personnel it holds until a more realistic estimate of South Vietnamese Government personnel held by the Viet Cong is provided. The Government of South Viet-Nam listed 5,081 communist offenders to be returned to the Viet Cong, and it has in addition offered to release any other civilian detainees the Viet Cong names as belonging to their movement.

We consider the South Vietnamese Government's record with regard to civilian prisoners to be markedly more conciliatory and reasonable than that of the Viet Cong; we can also understand the South Vietnamese Government's unwillingness to hand over all the communist civilian detainees it holds until a more complete accounting is provided by the Viet Cong. We are encouraging both parties to live up to their commitments and we will continue to do so. However, in the final analysis, the South Vietnamese parties concerned will have to settle these matters themselves. Beyond our general encouragement, there is little we can do; we are not in a position to enter into specific, detailed involvement regarding South Vietnamese internal political issues.

We are encouraged to note that exchanges of detainees are going forward, although slowly and with problems. A new series of exchanges began in late July. The results to date from this and earlier such exchanges are that the Government of South Viet-Nam has turned over 1,500 civilians to the Viet Cong, who have released over 400 prisoners to the South Vietnamese Government. Ultimately, both sides are to release all the civilians on their original lists, 5,081 for the Government of South Viet-Nam, 637 for the Viet Cong. We see the progress thus far as a hopeful sign that the Vietnamese, given time and patience, can work out their problems in their own way.

RED CROSS INSPECTION

Article 9(b) of the Prisoner Protocol requires the two South Vietnamese parties to designate two or more national Red Cross societies to visit all places where detained civilians are held. The June 18 Joint Communique calls for immediate implementation of this Protocol provision, and the two South Vietnamese parties are at present attempting to work out modalities for arranging such visits by the Red Cross societies of Canada and Poland. Resolution of this issue is complicated

by the insistence of the Viet Cong that they do not have any detention facilities for the Red Cross societies to inspect. We hope that differences can be resolved so that the stipulated visits to the detention facilities of both sides can take place promptly.

We have frequently urged the Government of South Viet-Nam to liberalize its policy on visits by outsiders to its prisons. Through our knowledge of the South Vietnamese Government's prison system, we believe that inspection by an unbiased and qualified group would help correct the public record with regard to the inaccuracies and distortions which many people now accept concerning that system.

U.S. ASSISTANCE

The goal of the U.S. assistance and advisory programs to the South Vietnamese Directorate of Corrections has been to help South Viet-Nam develop a more humane prison system, and we believe this goal has been substantially achieved. Under the guidance of professional U.S. penologists, significant improvements in the fields of sanitation, health and housing have been realized. Progress has been achieved in alleviating crowded prison conditions. Through this assistance, prisoners are now better fed, housed and medically treated.

In accordance with the January 27 Agreement, our advisory role to the National Police has ended, and our advisory role to the Directorate of Corrections was terminated at the same time. The levels of our assistance to both have declined, particularly for the prison system. All our remaining assistance programs, largely the provision of commodities and training in the United States, are consistent with the terms of the Agreement. We cannot accept that recent allegations by some that our programs in this area are supporting a prison-system based on torture and the suppression of legitimate dissent. As indicated earlier, we believe such characterizations to be fallacious or grossly exaggerated.

INDIVIDUAL CASES

Regarding inquiries on the status of individual South Vietnamese citizens, it is our view that the Agreement's general stipulation that South Vietnamese internal political matters are to be negotiated and resolved between the two concerned South Vietnamese parties, as well as Article 8(C), which has specific reference to civilian detainees, very appropriately leave the resolution of such matters in the hands of the South Vietnamese. The whole question of these detainees is of such complexity, particularly to any outside party such as the U.S. Government, that we would be ill advised and ill equipped to enter into the kind of specific detailed involvement urged by some. Accordingly, we do not feel it appropriate or useful for the U.S. Government to interject itself into these individual cases.

CONSIDERATIONS FOR FUTURE AID

In sum, there are political prisoners in South Vietnamese jails and cases of abuse and mistreatment do occur. However, we believe that the background information provided here demonstrates that these problems have been exaggerated and inflated in the current public debate. The issue is an important one and we will continue to urge that the South Vietnamese parties make greater efforts to improve their performance. It is our considered judgment, however, that the South Vietnamese Government's shortcomings in this area do not warrant a call for the termination of all or part of our assistance to that nation. We do not believe that such action would contribute in any way to our broader, long-range objective of furthering the consolidation of peace in Southeast Asia.

SEPTEMBER 5, 1973.

This is in response to your letter of August 7 enclosing an article by Mr. Don Luce, sent to you by your constituent Mrs. Muriel Hyman, concerning political prisoners in South Viet-Nam.

Because of the considerable Congressional and public interest in this subject, as well as our own continuing concern about it, we have recently completed a review and updating of our position. Attached is a pre-publication copy of our new Public Information Series release which sets forth our current general views on civilian prisoners in South Viet-Nam. I believe it will be useful to you and Mrs. Hyman in assessing the charges made in Mr. Luce's article.

Furthermore, I wish to point out that while we do not question Mr. Luce's good intentions, we believe he has produced a mixture of truths, half-truths, and incorrect statements. The resulting picture does not, we maintain, correspond to the reality of the situation.

Following are a few specific examples of misinformation in Mr. Luce's article:

1. "The ID cards, designed to show whether Vietnamese citizens voted or not, were designed with the help of US advisors and printed with US money."

The US did, in fact assist the Government of Viet-Nam (GVN) with a program to issue ID cards to all adult Vietnamese citizens. However, this program was only marginally connected with voting and has nothing at all to do with political prisoners as we define them (i.e., persons in custody or imprisoned for non-violent, non-communist opposition to the established government—see the attached publication). The issuance of government ID cards is customary in many countries throughout the world.

In South Viet-Nam they are used to establish a person's legal identity for a wide variety of purposes, including distributing relief supplies to refugees and war victims, obtaining government legal documents such as passports, establishing voting eligibility, checking for infiltration of Viet Cong cadre, etc. We do not agree with Mr. Luce's implication that our support of this program involved use of US funds "to still political dissent."

2. "Vietnamese claim that this participant training (at the International Police Academy in Washington, D.C., sponsored by AID) encourages mistreatment in the jails."

Mr. Luce apparently accepts this claim uncritically. In fact, it is simply untrue. On the contrary, the International Police Academy advocates and teaches the need for a high level of professional police conduct, including humanitarian treatment of suspects and observation of the legal rights of the accused. Throughout the instruction, it is emphasized that the use of force in interrogating suspects is always improper and self-defeating.

3. "Dr. Brown's reports were requested twice, but the Subcommittee on Refugees has received no answer."

Dr. Brown's report on crippled prisoners, so far as we know the only one which was requested, was sent to the Subcommittee Chairman, Senator Kennedy, on July 5, 1978. There was an approximately two months delay from the time the request was received and the time it was sent to Senator Kennedy because of the need to forward it from Saigon to Washington and to coordinate its release among other agencies concerned.

4. ". . . (the new cells are two square feet smaller than the former Tiger Cages)."

The original French-built "tiger cages" were 6'3" wide, 10'6" long, and 10' from the floor to the ceiling bars. They were in two buildings, each containing 48 cells. All cells were completely visible from an overhead catwalk and protected from the weather by an overhead roof. The cells were not subterranean trenches, as some have alleged, but were entirely above ground. These cells usually held five prisoners, which gave each inmate approximately 18 $\frac{1}{8}$ square feet of floor space.

The new GVN maximum security facilities which replaced them consist of four one-story buildings, each with 96 cells. The cells are 5'6" wide, 7'6" long and approximately 8' high to the ceiling bars. Therefore, it is not inaccurate to say that the new cells are smaller than the old. However, the new cells are designed for one inmate each rather than five. Recent statements by former prisoners indicate that the GVN is in fact confining only one inmate to a cell. Under these circumstances, then, each inmate has 41 $\frac{1}{4}$ square feet of floor space, or more than three times that of the old cells.

I will not undertake a refutation of each of Mr. Luce's points. The above rebuttals, I believe, along with the attached publication, are sufficient to illustrate how the information he presents, and the manner in which it is presented, greatly distort the reality of the situation.

You also asked about the number of political prisoners in South Viet-Nam and about the use of U.S. funds for support of police programs.

Our best estimate of the number of political prisoners (as we define the term) is 500-1,000. For further discussion of this question, please see the attached publication.

In FY 1974, AID has requested \$600,000 to train 200 personnel from the GVN National Police Command in computer system management and technology. Another \$196,000 has been requested by AID to finance the training of approxi-

mately 60 South Vietnamese police officers in other aspects of police management. All of this training will be conducted outside Viet-Nam in keeping with the terms of the January 27 Peace Agreement. We are informed that the Department of Defense is requesting approximately \$7.5 million in its FY 1974 budget for commodity support (including vehicles, spare parts, food supplements, gas and oil, etc.) for the GVN National Police.

No FY 1974 AID dollar funds have been requested to assist the GVN Directorate of Corrections (which administers the prison system), and we understand the Defense Department does not plan to request any funds for this activity in FY 1974 or future years. However, the Directorate of Corrections budget for calendar year 1973 is receiving 50 million piasters (about \$100,000) through the American aid chapter of the overall GVN budget. Those piasters were generated by the Commodity Import Program and will be used to finance some GVN salaries, purchase blankets and raincoats, maintain vehicles, and assist with animal raising and prisoner vocational training programs.

For FY 1974, AID has also requested \$520,000 for replacement commodities for the GVN Combined Telecommunications Directorate (which supports police as well as other government telecommunications programs). We are informed that the Defense Department is requesting approximately \$1.8 million for commodity support for this project. Thus, in all, AID and the Defense Department envisage an expenditure of approximately \$10 million in support of police related activities in FY 1974.

I hope this information will be useful to you. Please do not hesitate to let me know if I may be of further assistance.

Sincerely,

MARSHALL WRIGHT,
Assistant Secretary for Congressional Relations.

Enclosure.

SUMMARY OF DOCUMENTS ON "PARALYZED" PRISONERS

There has long been considerable interest within the US Mission in Saigon in a group of communists prisoners, held by the Government of Viet-Nam on Con Son Island, who claim to be paralyzed in both legs because of being tortured, shackled, and receiving an inadequate diet. US Government documents on the subject are available dating back to January 1971. Weekly reports were prepared by US advisors between September 1971 and February 1972, and monthly reports from that time through January 1973, when US advisory assistance to the Vietnamese police and prison system was terminated.

Because of growing concern about these allegedly paralyzed prisoners, a team of three US military physicians examined 116 of them in early 1971. With regard to the claimed paralysis of both legs, the doctors reported: "There is no objective evidence of organic neurologic disease at this time. It would appear that the complaint represents either malingering or hysteria." This conclusion was based on their findings of no evidence of malnutrition, normal musculature with no atrophy, normal ankle and knee reflexes, observed leg movement when the patients were off guard, etc. However, the doctors noted, "Sensory examination, which is subjective and depends on response of the patient, revealed a loss of sensory modalities in the legs. . . In many patients these findings changed when retested and the pattern of sensory loss did not follow normal nerve root distribution."

Vietnamese Government officials involved have always maintained that these prisoners are hard-core VC who are simulating this condition as a form of protest against the Government. This contention is supported by the above findings; the failure of the prisoners to cooperate with or respond to a program of rehabilitation which was implemented; the wide week-to-week variation (from just over 100 to just over 200) in the number of prisoners suffering from this complaint; and the adequate nutrition and humane treatment given them during the period they were closely observed. However, our investigation was hindered by the unavailability of a qualified Vietnamese-speaking psychiatrist who would have been in a position to determine the root psychiatric causes of the malingering and/or hysteria.

Many of these prisoners have been released after completion of their terms. Some of them have been the subject of sensationalist accounts by Western journalists, who apparently accepted their claims uncritically.

